RELIGION IN LIVY

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D.S. LEVENE

RELIGION IN LIVY

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BY

D.S. LEVENE

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LEIDEN · NEW YORK · KÖLN
1993

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Library of Congress Cataloging-in-Publication Data

Levene, D. S.
Religion in Livy / by D.S. Levene.
p. cm. — (Mnemosyne, bibliotheca classica Batava. Supplementum, ISSN 0169-8958 ; 127)
Includes bibliographical references (p.) and index.
ISBN 9004096175 (alk. paper)
1. Livy—Religion. 2. Rome—Religion—Historiography. II. Title. II. Series.
PA6459.L45 1993
937'.007202—dc20 93-11077
CIP

ISSN 0169-8958
ISBN 90 04 09617 5

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PRINTED IN THE NETHERLANDS

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PREFACE

This work is a revised version of my 1989 Oxford D.Phil. thesis. It may seem that its appearance reveals its ancestry: for the bulk of it consists of a sequential and systematic analysis of passages in Livy concerned with religion, a procedure perhaps more common in doctoral dissertations than in works devised from the start for a wider audience. However, as will become apparent, such a systematic analysis is not simply for convenience, but is fundamental to the argument of the work. For at the heart of my account of religion in Livy lies the demonstration that it can only be understood by examining each passage in the context of the material that surrounds it, both religious and non-religious, and in seeing the development of religious themes across the narrative of the history. The procedure has the secondary advantage that those examining particular books or sections of Livy's work will be able to find easily my discussion of the parts with which they are concerned, without recourse to an index.

Both in the writing of the thesis and in the revision for publication I have relied upon the help of many people. My first and greatest debt is to Christopher Pelling and Simon Price, who put in huge amounts of time supervising the thesis, and have subsequently been equally assiduous with advice and assistance for its revision. Both have contributed greatly to the finished product, with their consistently stimulating discussions and acute and cogent criticisms. I should also like to thank my examiners, Wolfgang Liebeschuetz and especially John Briscoe, for their helpful suggestions for revisions.

For twelve years I have been attached to Brasenose College, Oxford, as undergraduate, Senior Scholar, College Lecturer, and most recently as Junior Research Fellow. Apart from the financial support I have received, without which this work could not have been written, the continual intellectual stimulus across a variety of disparate fields has been an invaluable experience: I am most grateful to the Principal and Fellows for making it possible. I also wish to thank my parents for their constant support, both financial and moral.

I have gained more than I can say from Helen DeWitt, profiting continually from her wide knowledge and sophisticated reading of literature both ancient and modern, as well as from her rigorous clarity of thought and argument. Parts of the work were read in earlier drafts by the late Elizabeth

Rawson and by Stephen Oakley, both of whom made many useful comments. Dr Oakley kindly allowed me to read part of his forthcoming commentary on Books 6-10, as did Christina Kraus with her forthcoming commentary on Book 6: I have learned a great deal from both. Others whom I have consulted at various times include Peter Brunt, Matthew Fox, Stephen Harrison, Nicholas Horsfall, Christopher Howgego, Peter J. King, Fergus Millar and David Stockton; and I should like to thank Julian Deahl of E.J. Brill for his patience during the transformation from thesis to book form. But my especial thanks go to my former tutor, Leighton Reynolds, who has always been characteristically generous with his help, advice and encouragement, and from whose learning I have constantly benefited.

ABBREVIATIONS

AJPh	*American Journal of Philology*
ANRW	*Aufstieg und Niedergang der römischen Welt*
CIL	*Corpus Inscriptionum Latinarum* (Berlin, 1863-).
CISA	*Contributi dell' Istituto di Stori antica dell' Univ. del Sacro Cuore*
CJ	*The Classical Journal*
CPh	*Classical Philology*
CQ	*Classical Quarterly*
GRBS	*Greek, Roman and Byzantine Studies*
ILS	*Inscriptiones Latinae Selectae*, ed. H. Dessau (Berlin, 1892-1916).
JHS	*Journal of Hellenic Studies*
JRS	*Journal of Roman Studies*
LEC	*Les Études Classiques*
LIMC	*Lexicon Iconographicum Mythologiae Classicae* (Zürich &c., 1981-).
MDAI(R)	*Mitteilungen des Deutschen Archäologischen Instituts (Röm. Abt.)*
MEFRA	*Mélanges d'Archéologie et d'Histoire de l'École Française de Rome. Antiquité*
MRR	T.R.S. Broughton, *The Magistrates of the Roman Republic*, volume 1 (New York, 1951).
OLD	*Oxford Latin Dictionary* (Oxford, 1982).
PBSR	*Papers of the British School at Rome*
PCPhS	*Proceedings of the Cambridge Philological Society*
PP	*La Parola del Passato*
PRIA	*Proceedings of the Royal Irish Academy*
REA	*Revue des Études Anciennes*
REL	*Revue des Études Latines*
RhM	*Rheinisches Museum*
RHR	*Revue de l'Histoire des Religions*
RPh	*Revue de Philologie*
RRC	M.H. Crawford, *Roman Republican Coinage*, (Cambridge, 1974).
StudClas	*Studii Clasice*
TAPhA	*Transactions of the American Philological Association*
TLL	*Thesaurus Linguae Latinae* (Munich, 1900-).
VChr	*Vigiliae Christianae*
WJA	*Würzburger Jahrbücher für die Altertumswissenschaft*

CHAPTER ONE

INTRODUCTION

1. The Background

A study of Livy's treatment of religion must necessarily begin by discussing the ideas and practices of his contemporaries, not least in order to avoid anachronistically projecting modern concepts onto his text. In particular, there are four areas of religion concerning which a modern reader might have preconceptions alien to those of the Romans. The first is the nature of the supernatural: what phenomena could be taken as indicative of divine intervention into human affairs, and what such intervention might indicate. The second is the concept of piety: what behaviour would be held to be pious and what impious, and, more generally, what the connection was between piety and morality in the wider sense. The third is the effect that religious scepticism had upon the attitudes of Romans towards religion. The fourth is the concepts of fate and fortune. All of these areas have been the subject of considerable discussion by modern scholars; in treating them briefly in an introduction of this sort, a certain degree of over-simplification and distortion is, of course, inevitable.

However, two preliminary points should be made. First, because Livy was an historian whose extant work concerns events that took place long before his own day, there may sometimes be a discrepancy between the attitudes that prevailed at the time when the stories were originally recorded or invented, and those of the time when Livy wrote. My discussion will concentrate almost entirely on the latter. I shall demonstrate later that he allowed himself considerable leeway in his treatment of his religious material. Hence it is far less likely that he is putting a particular slant on a story simply because it appeared that way in his sources; his presentation of his material will depend above all on the attitudes of his own day.

In this account of the historical background I shall cover not only the first part of Augustus' reign, but also the late Republic. It is still uncertain exactly when Livy was writing; the passages in the first pentad that date him to the early part of Augustus' reign have been plausibly suggested to be later

additions.[1] Moreover, even on an 'Augustan' dating, Livy's intellectual outlook is likely to have been at least partly shaped before he began his history; the evidence of the Ciceronian period is thus crucial. In order to avoid circularity I shall draw on Livy himself as little as possible; apart from him, the works of this period that treat religious themes most fully are the philosophical and theological writings of Cicero. To use these to illuminate Roman religion may seem problematic, in that they are likely to reflect specifically philosophical ideas, and not 'ordinary usage'; however, *De Divinatione* I and *De Legibus* are attempting to give a philosophical grounding for non-philosophical ideas on religion, and so may be used to illustrate the latter.[2]

The second point is that my discussion of religious attitudes in first century Rome will essentially be confined to the state cult and the views of the philosophical schools. These by no means exhaust the various kinds of religious belief found; as several modern writers are keen to stress, there was also a wide variety of 'unofficial' religious practices, such as magic and 'mystery' cults.[3] However, whether because the phenomena were not as widespread earlier[4] or because of Livy's own predilections, there are very few examples of such religious practices in his history, and even those few are invariably viewed from the standpoint of the official cult. It is therefore natural to omit them from this discussion.

The Supernatural

That the gods intervene in human affairs is a position which appears to underlie much of the Roman state religion, with its elaborate procedures for examining and interpreting events which might indicate the divine will. Prodigies were collected, reported to the Senate and expiated; before major undertakings, such as military expeditions and elections, auspices had to be

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1 T.J. Luce, "The Dating of Livy's First Decade", *TAPhA* 96 (1965), 209-40, expanding the arguments of J. Bayet, *Tite-Live Histoire Romaine Tome I, Livre I* (Paris, 1947), xvii-xxi. A.J. Woodman, *Rhetoric in Classical Historiography: Four Studies* (London &c., 1988), 128-35 supplements Luce by arguing that the Preface is most naturally dated to the Civil Wars.

2 Compare W.M. Beard, *The State Religion in the Late Roman Republic: A Study Based on the Works of Cicero* (unpublished dissertation, Cambridge, 1982), 237-8.

3 E.g. R. Garosi, "Indagine sulla formazione del concetto di magia nella cultura romana", in *Magia. Studi di storia delle religioni in memoria di R. Garosi*, ed. P. Xella (Rome, 1976), 13-93; J.H.W.G. Liebeschuetz, *Continuity and Change in Roman Religion* (Oxford, 1979), 126-39; E. Rawson, *Intellectual Life in the Late Roman Republic* (London, 1985), 299, 306-12.

4 Liebeschuetz (1979), 138 points to the absence of words like *defixio* from Plautus, and to the fact that the great majority of the curse tablets that have been discovered come from the imperial period.

taken to check that the gods' sanction had been obtained; there was also the possibility that omens might appear unsought, which could be recognised and interpreted, with expert advice if necessary.

Not all of these indications of divine will were what a modern would call 'supernatural'. Some, it is true, were events that seem, or at least seemed to the ancients to breach the natural order of the world, either in kind — queer meteorological phenomena or the birth of hybrid creatures, for example — or in degree, as with exceptionally severe floods or plagues. But others were events which were in themselves apparently natural — the flight of birds, or the feeding behaviour of chickens, for example — but which could be interpreted according to certain formal systems to indicate the gods' will. In both cases, however, the central point is the same: that there were set categories of events with which the divine might be associated.[5]

How they were to be interpreted is more complex, because of the number of different types of event that might appear. I shall discuss these under three broad headings: firstly, auspices, secondly, prodigies, and finally omens and prophecies. These categories are my own, not those of the Romans (although they are loosely related to the Roman categories). The Romans tended to classify supernatural events according to the type of priest who would be expected to interpret them.[6] For my purposes here, however, it is more useful to look at them in terms of the different contexts in which they might be received, as this is what materially affected the conclusions that would be drawn from them.

Auspices

I define these, not in the strict Roman sense as the divination by augurs, usually from birds or thunder and lightning, but in the wider sense of omens sought and obtained at the beginning of an enterprise, thus including, for example, extispicy by the *haruspices* if employed under such circumstances. In each case the point of the practice was to check that the gods were giving their favour to the enterprise. If favourable omens were obtained, all was

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[5] See A. Bouché-Leclercq, *Histoire de la divination dans l'antiquité* (Paris, 1879-82), volume 4, 75-6; J.A. North, *The Interrelation of State Religion and Politics in Roman Public Life from the End of the Second Punic War to the Time of Sulla* (unpublished dissertation, Oxford, 1967), 478; G. Dumézil, *La religion romaine archaïque* (2nd ed., Paris, 1974), 589-90.

[6] As at Cicero, *Har. Resp.* 18, *Div.* 1.3-4, 1.34. Varro, *Antiquitates Rerum Divinarum* Books 2-4 examined the practices of each priestly college separately (frs. 51-61 Card.; see Augustine, *De civ. D.* 6.3); cf. Rawson (1985), 312-14.

well; if not, then one either had to abandon it, at least for the moment, or else continue taking the auspices until favourable omens were obtained.[7] If one carried on despite the auspices, then one could expect the enterprise to go badly. The classic example of this was with Claudius Pulcher during the First Punic War, who fought in defiance of the auspices, and so lost a naval battle;[8] this was matched in the first century by Crassus' defeat at Carrhae, which was said to have been a result of ignoring similar auspices.[9]

Prodigies

These I define narrowly, to mean the events that were collected and reported to the Senate each year, and which had to be publicly expiated.[10] It seems likely that this practice was dying out in the late Republic, to be replaced by private prodigies associated with leading political figures, such as are reported in Suetonius.[11] However, lists apparently of general warning are recorded by Dio for several years in the triumviral period,[12] and, assuming that this reflects the actual course of events, it seems likely that Livy's readers would still have been conversant with them.[13]

Prodigies were seen by the Romans as fundamentally negative — they were assumed to be warning of disaster.[14] They may in certain respects be considered a more general version of auspices: they suggested that the gods were unfavourable to Rome as a whole, rather than just a single action.[15] Like auspices, they did not as a rule have any content — they did not foretell anything in particular, but merely put forward a general warning of disaster unless appropriate precautions were taken.[16]

What auspices and prodigies seem to share above all is the idea that the events that they foretold were only conditional: that by taking certain

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[7] Cicero, *Div.* 1.26-7; cf. 2.36. See Liebeschuetz (1979), 11-13.

[8] Cicero, *Nat. D.* 2.7; *Div.* 1.29, 2.71.

[9] Cicero, *Div.* 1.29-30.

[10] On the procedure see North (1967), 194-6, 482-4; for a more sceptical approach cf. E. Rawson, "Prodigy Lists and the Use of the *Annales Maximi*", *CQ* 21 (1971), 158-69.

[11] Livy 43.13.1: 'non sum nescius ... neque nuntiari admodum ulla prodigia'; on this passage see further below, 22-3.

[12] Dio 45.17, 47.40, 48.43.4-6, 48.52.1-2, 50.8.

[13] See O. Dix, *History and Prodigies in the Late Republic* (unpublished dissertation, East Anglia, 1978), 18-29; Liebeschuetz (1979), 57-8; B. McBain, *Prodigy and Expiation: a study in religion and politics in Republican Rome* (Brussels, 1982), 80-1.

[14] R. Bloch, *Les prodiges dans l'antiquité classique* (Paris, 1963), 82-3; North (1967), 477.

[15] Liebeschuetz (1979), 9.

[16] For auspices see Cicero, *Div.* 1.26-7, where the disaster that Deiotarus avoided is explained, but there is no indication that he was at the time aware of anything except that danger threatened. See Bouché-Leclercq (1879-82), volume 4, 82-5; Liebeschuetz (1979), 7-9.

measures any evil results could be averted. If this were not the case, it would be hard to see the purpose of expiation, or why a general like Claudius or Crassus would be blamed for defying them. There are one or two odd exceptions to this, which came when the advice was given by the *haruspices*, who sometimes would give a detailed prophecy, which could be taken to allude to an inevitable future.[17] But even they usually gave only conditional and general interpretations when faced with auspices or prodigies; there would, after all, be little point in consultation if there were no way of averting adverse results.[18]

Omens, Prophecies and Dreams

Omens, as I am defining them, might sometimes be regarded as a less formalised version of auspices. They were like auspices in that they tended to refer to a particular person or enterprise; they were unlike them in that they were not looked for, but appeared spontaneously and had to be recognised.[19] They were also unlike them in that they had the possibility of having content, of actually telling one details about the future, instead of simply expressing divine favour or disfavour.[20] The corollary of the fact that they were sometimes prophetic is that they were more likely to be inevitable, and to give notice of a future which could not be avoided.[21] Neither of these features was essential; in particular, there was no marked boundary between auspices as I have defined them and omens, and omens could sometimes be received under circumstances very like those in which auspices would be taken, and hence might be treated much as auspices were,

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[17] E.g. Cicero, *Har. Resp.* 18.

[18] G. Wissowa, *Religion und Kultus der Römer* (2nd ed., Munich, 1912), 543-9; North (1967), 570-84; Dumézil (1974), 595-8.

[19] Similar is the distinction that the Romans made between *auspicia oblativa* and *auspicia impetriva*. However, I include as omens events that the Romans would not have classified as *auspicia oblativa*, as they would not have been interpreted by augurs. See Bouché-Leclercq (1879-82), volume 4, 184-5; Wissowa (1912), 529-34.

[20] E.g. Cicero, *Div.* 1.36, 1.78-9.

[21] This feature is often regarded as a later accretion onto Roman religion; Bloch (1963), 129-35 sees it as appearing during the Hannibalic War, Liebeschuetz (1979), 37-8 as a result of Stoic influence. But on either view, omens of this sort seem firmly entrenched by the late Republic. Many of our examples, it is true, come from the Stoic *De Divinatione* I, but we have no reason to believe that they were not stories in common currency, or that they have been radically altered to fit the Stoic argument. We may note that when it comes to auspices in the same book, Cicero is prepared to leave them as expressing an avoidable threat, despite the contradiction with Stoic determinism (a contradiction exploited in the sceptical reply at *Div.* 2.20-1).

as expressing a general and avoidable threat at the outset of an enterprise.[22] Nevertheless, it was more common for them to be regarded as warnings of the inevitable. In this they were similar to the other supernatural events in this category, namely prophecies and dreams. The nature of these made them likely to have content,[23] rather than simply being general warnings. For the same reason, they too were likely to tell one of a future that would inevitably come about, although they could also obviously serve simply to give advice without any specific reference to the future at all, or only a conditional one.[24]

This provides a general explanation of what different types of supernatural event would be taken to mean by a reader of Livy's day. Of course, one would not be obliged to believe that they actually had occurred, or, if they had, that they expressed the will of the gods. Scepticism on both of these questions was not unknown (cf. below, 10-13). If, however, one accepted these premises, then the conclusion would have to be that the gods were sending messages of the sorts outlined above.

Piety

Granted, then, that the gods might express themselves by giving signs to men, what reasons might prompt them to be favourable or unfavourable towards the state or individuals? One might think, of course, that their favour was distributed arbitrarily, but this was not the most common Roman view. The Romans held that what concerned the gods was the respect that men paid to them: one obtained divine favour through piety and lost it through impiety.[25] What must now be examined is what actions would count as pious and what as impious.

Most obviously, we may place into these categories actions directly concerned with religion and the gods. The fulfilling of a vow to a god, the

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[22] E.g. Cicero, *Div.* 1.72.

[23] Prophecies: e.g. Cicero, *Div.* 1.68. Dreams: e.g. Cicero, *Div.* 1.39-59.

[24] E.g. Cicero, *Div.* 1.48-9.

[25] The connection between impiety and divine disfavour as expressed in prodigies is especially clear from *Har. Resp.* 20-29, in which Cicero, having recounted a set of prodigies and set out the required expiation, goes on to discuss what act of impiety had led to this sequence of events. His words are 'audio quibus dis violatis expiatio debeatur, sed hominum quae ob delicta quaero' (21). That the prodigies are the result of human impiety is assumed automatically; that they may be due to some random whim of the gods is never considered even in passing (see Liebeschuetz (1979), 1-2). So too Horace, *Odes* 1.2 begins by describing prodigies, and then connects them with human guilt: 'cui dabit partes *scelus expiandi* / Iuppiter?' (1.2.29-30). Note also Virgil, *Aeneid* 2.691-2: 'si pietate meremur, / da deinde auxilium, pater, atque haec omina firma'.

foundation of a temple, the correct observance of a religious ceremony would all be considered pious, while to flout a god openly or to neglect his rites would be held to be impious. More interesting are the occasions where piety or impiety are connected with actions that seem at least to a modern reader to have more to do with morality in a wider sense: conducting oneself appropriately in one's relations with other people.[26] Breaches of treaties would be taken as breaches of piety, and hence as liable to divine retribution: after all, treaties between nations were accompanied by oaths, to break which would be to offend against the divine guarantors of those oaths. The same, naturally enough, applied to oaths taken between individuals.[27] There were also a number of areas where the involvement of the gods was less formal, but still present. All contracts, even those not explicitly accompanied by oaths, were taken to be divinely protected,[28] as were the relationships between parents and children[29] and husbands and wives.[30] And not only treaties, but aspects of international law such as the appropriate treatment and behaviour of ambassadors and the justness of wars were guarded by the gods.[31]

These, then, were the main areas of morality in which the involvement of the gods was felt. Beyond this the Romans tended to treat morality as a fundamentally secular question; however, there was often an underlying if ill-defined notion that any form of unjust or immoral behaviour is subject to

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[26] Liebeschuetz (1979), 41-3.

[27] E.g. Cicero, *Leg.* 2.22, 2.41.

[28] P. Boyancé, "*Fides* et le serment", in *Hommages à Albert Grenier*, ed. M. Renard (Brussels, 1962), 329-41; "La main de *Fides*", in *Hommages à Jean Bayet*, ed. M. Renard and R. Schilling (Brussels-Berchem, 1964), 101-13; G. Freyburger, *Fides: Étude sémantique et religieuse depuis les origines jusqu' à l'époque augustéene* (Paris, 1986), 133-42.

[29] For example, incest and parricide were offences against divine as well as human law (Cicero, *Leg.* 2.22; cf. Horace, *Epod.* 3.1-2). More generally, see *Rhet. Her.* 3.4: 'quod ius in parentes, deos, patriam natura conparavit, id religiose colendum'.

[30] E.g. Horace, *Odes* 3.11.30-2: 'impiae (nam quid potuere maius?) / impiae sponsos potuere duro / perdere ferro'. See Freyburger (1986), 167-76.

[31] Cf. Cicero, *Rep.* 2.31: 'omne bellum quod denuntiatum indictumque non esset, id iniustum esse atque impium iudicaretur'; *Har. Resp.* 34: 'sic enim sentio, ius legatorum, cum hominum praesidio munitum sit, tum etiam divino iure esse vallatum'. See S. Weinstock, *Divus Julius* (Oxford, 1971), 243-4; Liebeschuetz (1979), 42. For the Roman concept of a just war see P.A. Brunt, "Laus Imperii", in *Imperialism in the Ancient World*, ed. P.D.A. Garnsey and C.R. Whittaker (Cambridge, 1978), 175-8; W.V. Harris, *War and Imperialism in Republican Rome: 327-70 B.C.* (Oxford, 1979), 166-75. As elaborated by Cicero and others (especially under the influence of Stoicism) a just war was fought in response to aggression against oneself or one's ally. However, as Harris argues, in practice this criterion was often ignored, or else was interpreted by the Romans so widely that few wars that they fought would fail to count as just.

divine penalty.[32] In particular, we may note that things which threatened political or social cohesion at Rome, such as widespread sexual immorality[33] or civil strife,[34] were frequently taken to be offences against the divine; so too, unsurprisingly, was the abuse of religious ceremonies for sectional political ends, as opposed to the good of the state as a whole.[35] The reason was no doubt that the gods, as patrons of Rome, had an especial interest in her stability.[36]

This deals with the central question, but certain details still require expansion. One point that should be stressed is the connection that the state had with acts committed by individuals. If an individual, especially one acting as the state's representative, committed an impiety, then the state might be punished, unless it expiated the wrong itself (this, it should be added, would not affect the liability of the individual).[37] Failure to perform such an expiation would potentially bring the wrath of the gods on the community as a whole.

On a related point, Scheid holds that a deliberate impiety was inexpiable.[38] If he is right, this would seem to narrow substantially the linkage of impiety with prodigies, since the latter could, as we have seen, be expiated. However, as Scheid makes clear, even if an individual or group

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[32] E.g. Cicero, *Clu.* 194; see Liebeschuetz (1979), 43-54, 90-100. Cf. also R.G. Nisbet, *M. Tulli Ciceronis De Domo Sua Ad Pontifices Oratio* (Oxford, 1939), 160, defending his reading at *Dom.* 107: 'nec est ulla erga deos pietas nisi honesta de numine eorum ac mente opinio, ut expeti nihil ab iis, quod sit iniustum atque inhonestum, arbitrere'.

[33] E.g. Horace, *Odes* 3.6.17-32, where this represents the central crime for which Rome is being punished. See Liebeschuetz (1979), 93-5.

[34] Cicero, *Leg.* 3.19 describes civil strife as 'ut impio dignum fuit'; for the reader of Livy it is especially interesting that Cicero is here discussing the class struggle of the early Republic, rather than the civil wars of his own day. More generally, he applies such language to the Catilinarian Conspiracy (e.g. *Dom.* 144-5). Triumviral and Augustan writers treat the Civil Wars in a similar way; e.g. Horace, *Epod.* 16.9: 'impia perdemus devoti sanguinis aetas'; *Odes* 2.1.30: 'impia proelia'.

[35] Liebeschuetz (1979), 21, denies this: 'The Romans lacked any sense that religion is sullied if it is exploited for sectional interest'. See, however, Cicero, *Dom.* 117-26 (esp. 120 and 125 'abuti deorum immortalium numine'); cf. J. Scheid, *Religion et piété à Rome* (Paris, 1985), 35-6. In general, if sectional strife *per se* was seen as irreligious, on the grounds of its damage to the state, it seems implausible that the use of religion for such purposes would be excluded from censure.

[36] See Liebeschuetz (1979), 50-1; also Scheid (1985), 51-6 for a discussion of the status of the gods as virtual citizens of Rome.

[37] E.g. Cicero, *Har. Resp.* 35: 'nomen quidem populi Romani tanto scelere contaminavit ut id nulla re possit nisi ipsius supplicio expiari'. Scheid (1985), 18-19, 24-6 argues that even private family cults could be in some sense a communal responsibility; hence for a family to break them or abandon them would be to damage the state.

[38] Scheid (1985), 23-6; cf. Cicero, *Leg.* 1.40: 'scelerum in homines atque in deos impietatum nulla expiatio est'.

of individuals committed a deliberate impiety, it would be involuntary, and thus expiable, from the point of view of the state as a whole.

Superstitio raises a further issue. It has been argued that the meaning of this term was changing during the time under discussion:[39] whereas it originally denoted excessive adherence to the gods within one's own religious framework, it was beginning to be used of practices not covered by the official cult, such as the religions of other nations.[40] In either case, however, its connotations are essentially pejorative, suggesting a breach of correct religious practice. Whether the gods were held to punish such behaviour as they punished impiety is not quite clear. When the term is used in the second sense, and especially when it refers to alien cults that are taken up by Romans, there does seem to be the implication that this is a form of impiety liable to divine retribution.[41] On the other hand, it is less certain that over-indulgence in one's own traditional cult was seen as actually impious,[42] although it may be that the associations with the other meaning of the word would subconsciously instil this notion. In particular, *superstitio* refers not merely to the cult itself, but to the state of mind of its practitioners; hence a Roman might have felt that the attitudes that led Romans to foreign cults were the same as those that led them to superstitious practices within their own.

To summarise the discussion so far, it has been shown that supernatural events were frequently thought to indicate divine pleasure or dissatisfaction, and that this divine pleasure or dissatisfaction was held to be connected with certain aspects of human behaviour. This has important implications for the modern reader: it suggests that, when faced with an account of a supernatural event, one should first interpret it, in order to find what a Roman would have taken it to show about the gods' attitude, and then one should seek to relate that attitude to the behaviour of the humans in the work. Of course, such connections may not always be present, as a writer may have other reasons for including the episode; nevertheless, the Romans expected the supernatural to be working for the most part in such a way, and writers created their work within the framework of such expectations. A connection

[39] D. Grodzynski, "Superstitio", *REA* 76 (1974), 36-60; S.R.F. Price, "The Boundaries of Roman Imperial Religion", in *Roman Religion*, volume 1, ed. M. Beard, J.A. North, S.R.F. Price (forthcoming, Cambridge, 1994).

[40] Both uses are present in Livy: the former is more common, but the latter appears at 4.30.9 and 10.39.2.

[41] Scheid (1985), 20-1, 137.

[42] Compare Cicero, *Div.* 1.7: 'est enim periculum, ne aut neglectis [auspiciis] impia fraude aut susceptis anili superstitione obligemur'. Here there is an implied opposition between impiety, the neglect of the gods, and superstition, an excessive adherence to them.

which may seem fanciful to a modern reader might to a Roman have accorded directly with his prejudices.

I have been examining religious attitudes of the time mainly from a synchronic point of view; however, it is in fact not the case that they were static. In particular, we may note the influence of the so-called Augustan religious revival, which, if nothing else, seems to have focussed the attention of writers of the day upon religious and moral issues more keenly than before, since these formed central planks of the Emperor's propaganda.[43] The influence of Greek philosophy should also be taken into account; this, of course, extended back well into the second century B.C., but the change in Roman religious ideas that came about as a result of contact with Greece was a slow process which was still continuing in the second half of the first century. The synchronic approach earlier was justifiable, because the change is not one that especially appears in the areas that have up to now formed the chief subjects of discussion. But now the issue of religious scepticism and the concepts of fate and fortune must be examined briefly, both of which underwent changes during the relevant period.

Scepticism[44]

It would be a mistake to assume that scepticism raised precisely the same issues for Roman religion that it does for modern religions. It was not individual belief, but the system of ritual, that primarily determined the significance of religion in the Roman world; and correspondingly, individual scepticism would not necessarily pose the fundamental challenge to the Roman state cult that it might, say, to many versions of Christianity.[45] Indeed, it might even be argued that a limited scepticism was built into the very nature of the religion. In the absence of central revealed texts and doctrines, communications from the gods were doubtful and ambiguous, and

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[43] On this see Liebeschuetz (1979), 54-100, Scheid (1985), 119-26, and esp. P. Zanker, *The Power of Images in the Age of Augustus*, tr. A. Shapiro (Ann Arbor, 1988), 85-9, 102-35, 167-83.

[44] For the discussion that follows see above all M. Beard, "Cicero and Divination: The Formation of a Latin Discourse", *JRS* 76 (1986), 33-46; also more broadly *The State Religion in the Late Roman Republic: A Study Based on the Works of Cicero* (unpublished dissertation, Cambridge, 1982), 207-39.

[45] On this see S.R.F. Price, *Rituals and Power: The Roman Imperial Cult in Asia Minor* (Cambridge, 1984), 7-11, 114-21.

one might suspend judgement on the status of any individual supernatural event.[46]

At the same time, this does not mean that rationalising scepticism of a more general sort was unproblematic for the Romans, any more than it had been for the Greeks.[47] The arrival of Greek philosophy at Rome made the issue an especially pressing one. Certainly, not all Greek philosophy was sceptical about religion; of the major schools, only Epicureanism rejected traditional religious beliefs root and branch.[48] However, even the Greek philosophy that put forward relatively traditional ideas had been compelled to develop its beliefs against the arguments of a systematic scepticism,[49] something that Roman religion had not previously had to face. Philosophy offered systems of thought and value that were in direct competition with traditional Roman ideas, and a reconciliation between these conflicting ideologies was likely to be hard to achieve. But such a reconciliation was surely desirable for an aristocratic society that simultaneously was attracted by Greek culture and wished to preserve the Roman social and moral system.[50]

The most striking illustrations of this problem are the theological works of Cicero, *De Natura Deorum* and *De Divinatione*. In these, Cicero attempts to apply philosophical methods and arguments to Roman religious ideas and practices. However, he is not prepared in them to come to any conclusion about the truth of religion; instead of arguing from a single point of view, he presents several. *De Divinatione* opens with Quintus Cicero putting forward a Stoic defence of divination, which then is attacked by the Academic arguments of Marcus. Who is correct is left for the reader to decide.[51] So too *De Natura Deorum* has the Epicurean Velleius and the

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[46] Such an analysis is given for Greek religion by J. Gould, "On making sense of Greek religion", in *Greek Religion and Society*, ed. P.E. Easterling and J.V. Muir (Cambridge, 1985), 1-33. The Roman state cult, while different in many ways from the Greeks, may be thought to have had a fundamentally similar relationship to the divine.

[47] On the challenges posed by scepticism to Greek religious thought, see W.K.C. Guthrie, *A History of Greek Philosophy*, volume 3 (Cambridge, 1969), 226-49; D. Babut, *La religion des philosophes grecs* (Paris, 1974); J.V. Muir, "Religion and the new education: the challenge of the Sophists", in *Greek Religion and Society*, ed. P.E. Easterling and J.V. Muir (Cambridge, 1985), 191-218.

[48] Epicureans did in fact accept the gods' existence, but denied that they had any influence over human affairs (Cicero, *Nat. D.* 1.43-56). See A.A. Long, *Hellenistic Philosophy* (London, 1974), 41-9. A.A. Long and D.N. Sedley, *The Hellenistic Philosophers* (Cambridge, 1987), volume 1, 144-9 argue that Epicurus himself denied the existence of the gods, but was misunderstood by his later adherents.

[49] See, for example, Long (1974), 100-1 for Sceptical attacks on Stoic theology; also 114 for the development of Stoicism in response.

[50] Dix (1978), 57; Rawson (1985), 300.

[51] Beard (1986), 33-6, 42-6; M. Schofield, "Cicero For and Against Divination", *JRS* 76 (1986), 47-63.

Stoic Balbus each presenting the theology of his school, but each is followed by the Academic Cotta, who seeks to demolish the view put forward. Here, once again, no conclusion is reached.[52] The problem is particularly stark at *Nat. D.* 3.5-6, where Cotta says that he is prepared to believe in traditional religion merely on the authority of his ancestors, but requires rational proof for philosophical ideas on the subject.[53] This manifestly inconsistent position is left unquestioned by the participants in the dialogue.

It is true that Cicero professed to be an Academic, and that it was sound Academic practice to present all sides to any question, so that one could judge according to the arguments, rather than sticking rigidly to the dogma of any school.[54] However, later Academics permitted the exposition of positive opinions, provided that one did not assert them dogmatically,[55] and Cicero wrote several of his philosophical works from a particular (usually Stoic) standpoint.[56] The fact, then, that his theology so carefully avoids drawing a conclusion is significant: the application of Greek philosophy to Roman religion is still fraught with difficulties.

Augustus' attempt to present himself as the restorer of Roman religion adds another factor to the equation. Writers of the Republic at least had the option of taking on Greek philosophy wholesale and adopting a fairly thorough-going scepticism;[57] this is more or less the position of Lucretius. Religion also plays little part in Caesar's work, although it does not contain the same degree of overt scepticism.[58] While it can hardly be said that such works could not have been written in Augustus' time, the use of religion in imperial propaganda and its importance in the work of reconstituting the state as a monarchy meant that it was far more difficult for a writer to ignore; correspondingly, the problem of reconciling religion and philosophy will have imposed itself more insistently — though the generation after Cicero is likely to have gone a further stage towards achieving such a synthesis.[59]

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[52] On the conclusion of *Nat. D.* see A.S. Pease, *M. Tulli Ciceronis De Natura Deorum* (Cambridge, Mass., 1955), 33-6.

[53] Moreover, *contra* Liebeschuetz (1979), 31-2, Cotta is not merely referring to religious practices here, but to belief — he specifically speaks of 'opiniones quas a maioribus accepimus de dis immortalibus' (*Nat. D.* 3.5). See Beard (1986), 40-3.

[54] As is stressed by Cicero himself at *Div.* 2.150.

[55] Long and Sedley (1987), volume 1, 448-9; cf. Cicero, *Off.* 3.20.

[56] Most notably *De Officiis*, but also the earlier political works *De Re Publica* and *De Legibus* and the short essays *De Senectute* and *De Amicitia*.

[57] Though even in the late Republic such scepticism was relatively uncommon: see Rawson (1985), 299-301.

[58] M. Rambaud, *L' art de la déformation historique dans les commentaires de César* (Paris, 1953), 265-8; Liebeschuetz (1979), 32.

[59] Beard (1986), 45-6.

However, as was emphasised above, the Roman state cult was primarily constituted in ritual rather than belief: hence there was little apparent difficulty in accepting the practice of religion while rejecting the traditional beliefs associated with that practice.[60] Even Epicureans advocated the worship of the gods, on the grounds that to contemplate the idea of the divine made it more likely that one could achieve the blissful state associated with them.[61] Cicero, too, even while wearing his sceptical hat, accepted the value of religion for maintaining the state.[62]

Fate and Fortune

With *fatum* and *fortuna*, also, there was potential for a clash between Roman ideas and those of Greek philosophy. These were concepts that formed part of traditional Roman religion; broadly speaking, *fatum* denoted the future as decreed by the gods,[63] while *fortuna* referred to something like the chance element in the world.[64] However, the words came to be used also to translate certain key terms of Greek philosophy.[65] *Fatum* was used for the Stoic idea of Εἱμαρμένη, in the sense of the controlled destiny of a deterministic universe.[66] *Fortuna* translated the idea of τύχη, which was especially popular in Hellenistic times, and meaning the blind, incalculable chance that governs the world.[67] However, τύχη was itself far from a simple concept; it carried a range of other overtones, some of which were more strongly providential.[68] So too *fortuna* at times came close to the Stoic πρόνοια, or providence: the Stoics could not accept the workings of τύχη in its common Hellenistic sense, and instead *fortuna* could become, for a Roman Stoic, a force hardly distinguishable from *fatum*.

If, however, this clash of ideas led to problems for Roman writers, these problems manifest themselves considerably less openly in surviving literature than do those posed by religious scepticism. No complete discussion of questions of fate and fortune is extant from the relevant period to match the

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60 Cf. Price (1984), 7-11.

61 Cicero, *Nat. D.* 1.45, 1.115-7.

62 *Div.* 2.70, 2.148. See Liebeschuetz (1979), 31-2.

63 Dumézil (1974), 497.

64 Dumézil (1974), 58, 424.

65 For the clash between traditional Roman *fortuna* and its Greek counterparts, and the way in which the Romans of the late Republic sought to reconcile them, see J. Champeaux, *Fortuna: recherches sur le culte de la Fortune dans le monde romain des origines à la mort de César* (Rome, 1982-7), volume 2.

66 For Stoic determinism see Long (1974), 163-70.

67 Champeaux (1982-7), volume 2, 38-43.

68 See F.W. Walbank, *Polybius* (Berkeley &c., 1972), 60-5.

theological discussions in *De Natura Deorum* and *De Divinatione*, although we do possess fragments of Cicero's dialogue *De Fato*. We know from *Fat.* 1-4 that that work, while cast in the form of a dialogue between Cicero and Hirtius, was not set up so as to present competing viewpoints, but essentially comprises a response by Cicero to a brief proposition by Hirtius, in the manner of *Tusculan Disputations*.[69] The surviving portion of Cicero's speech presents the case against the compatibilist determinism of Chrysippus, with an attack in passing on the Epicureans' theory of the uncaused swerve. It might appear from this that Cicero is planning to limit himself to a demolition of others' views, and in Academic manner to suspend judgement at least in the sense of advocating no positive opinions of his own. However, the work seems to be pointing to a final position in which Cicero defends free will, although being dissatisfied with both the Chrysippean and the Epicurean account of it.[70] It is true that at *Div.* 1.127 Cicero refers to his planned work on fate as containing a demonstration that 'fato omnia fiant', which is not the position that he takes in the extant portions of the *De Fato*,[71] but this may indicate nothing more than a change of plan in the later work.[72] In short, there is little here to suggest that the reconciliation of philosophical and traditional Roman approaches to these questions was something problematic.

This may be because the Stoic concepts, at any rate, were closer to the Roman ones to begin with, and so could be accommodated into Roman thought rather more easily: they contained an idea of divine government of the world which was not far removed from that of traditional religion. This applied not only to *fatum*, where it is often difficult to determine whether any particular use is Stoic, but also to *fortuna*, for the Romans were erecting temples to different varieties of Fortuna in the middle Republic,[73] and the idea of a 'fortuna populi Romani', for example, in the sense of the good fortune providentially decreed for Rome, would not have been viewed as especially philosophical.[74]

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[69] Probably Hirtius' proposition was a statement of orthodox Stoic determinism; cf. R.W. Sharples, *Cicero: On Fate (De Fato) and Boethius: The Consolation of Philosophy IV.5-7, V (Philosophiae Consolationis)* (Warminster, 1991), 18.

[70] Sharples (1991), 23.

[71] Note, for example, his attack on Posidonius at *De Fato* 5-6.

[72] Cf. A.S. Pease, *M. Tulli Ciceronis De Divinatione Liber Primus*, in *University of Illinois Studies in Language and Literature*, volume 6 (1920), 484-5.

[73] See above all Champeaux (1982-7), volume 1, who provides an extensive account of the different varieties of *Fortuna* worshipped at Rome, and regards it as fundamentally bound up with the idea of divine benevolence.

[74] As is suggested by its frequent use by Cicero in forensic oratory: e.g. *1 Verr.* 16, *Mil.* 83, 87; cf. *Sull.* 62, *Sest.* 17, *Mil.* 20. A purely philosophical concept would be avoided by him, as likely to be above the heads of the less educated members of his audience.

However, it is still possible to find a certain amount of evidence for the idea that there was at least a limited clash between traditional and philosophical concepts. Sallust, for example, generally uses *fortuna* in the sense of Hellenistic τύχη;[75] but at *Cat.* 41.3 it appears, without any suggestion of inconsistency, in a more traditionally providential guise.[76] Virgil provides a still better example. *Fatum* is a dominant idea in the *Aeneid*, and often is used in contexts which might suggest Stoicism.[77] However, at other times Virgil writes things about fate that would seem impossible for any Stoic. For example, at 4.696-7 he says of Dido that she 'nec fato merita nec morte peribat, / sed misera ante diem'.[78] Such an idea is quite incompatible with Stoicism, for which strict determinism, governing all events in the world, was a central tenet.[79] That *fatum* is important for Virgil is clear from its prominence in his work, and this alone may suggest a certain Stoic influence.[80] However, the fact that he fails to use the terms in a consistent way may indicate that there was still a problem of assimilating the philosophical to the Roman. Of course, Virgil is writing poetry, not philosophy, and the inconsistency in his concept of fate may serve a literary purpose;[81] nevertheless, it seems a reasonable hypothesis that had there been a generally accepted reconciliation of the Stoic and Roman ideas, it would have been harder for him to include an inconsistent combination of the two.

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[75] E.g. at *Cat.* 8.1: 'fortuna in omni re dominatur; ea res cunctas ex lubidine magis quam ex vero celebrat obscuratque'. See R. Syme, *Sallust* (Berkeley &c., 1964), 246-8.

[76] 'haec illis volventibus tandem vicit fortuna rei publicae'. For a discussion of this, and other examples, see H. Erkell, *Augustus, Felicitas, Fortuna: Lateinische Wortstudien* (dissertation, Göteborg, 1952), 149-51.

[77] On the ranges of meaning of *fatum* and *fortuna* in the *Aeneid* see C. Bailey, *Religion in Virgil* (Oxford, 1935), 204-40.

[78] Cf. also 1.239, 7.293-4, 8.398-9, 10.624, 12.819. R. Heinze, *Virgils epische Technik* (3rd ed., Leipzig &c., 1914), 296 attempts to dismiss this passage, saying that the phrase is only equivalent to 'fatali morte'. But it seems unlikely that a writer would invent such a periphrasis if the philosophical implications of the literal meaning of the words were unpalatable.

[79] As is stressed by Q. Cicero in his Stoic account of divination at *Div.* 1.125: 'nihil est factum, quod non futurum fuerit'. Cf. Long (1974), 163-70.

[80] Contrast Sallust, who uses *fatum* only once, in reference to Lentulus' belief that an oracle had decreed his victory (*Cat.* 47.2). The passage is compatible with either the Stoic or the traditional concept; but in either case Sallust is clearly dismissing it, as the oracle is not fulfilled.

[81] For example. in the passage quoted above, his aim may be to play down the idea that Dido's death is part of the grand design of Fate that is leading to the foundation of Rome.

2. *Livy's Attitude to the Supernatural*

Virtually all of the discussion that has taken place in the past on the subject of Livy and religion has centred on his attitude to it, and in particular on the question of whether or not he believes in the supernatural. However, no consensus has been reached. Several scholars, such as Steele,[82] Reichart,[83] Stübler,[84] De Vreese,[85] Jiménez-Delgado,[86] and Newton,[87] to varying degrees take Livy to be a believer in the supernatural. Most recognise that he qualifies this with a degree of scepticism, although they differ on how great a degree that is; but all take this to be peripheral to his central point of view. On the other hand Bornecque,[88] Bayet,[89] Kajanto[90] and, to a lesser extent, Fabricius,[91] and Liebeschuetz,[92] regard Livy's scepticism as central, and see the apparent evidence of belief as a remnant of his sources, or else claim that he is employing it to give an appropriate sense of the past, or simply for dramatic effect. Walsh attempts to synthesise these two positions,[93] arguing that Livy is a Stoic and thus accepts the possibility of the supernatural determining the divine will, but is sceptical about individual occurrences; yet even in these he holds that Livy saw a symbolic truth about the importance of Roman religion for ordering people's lives. There is clearly no simple way to judge between these

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[82] R.B. Steele, "The Pestilences Mentioned by Livy", *TAPhA* 33 (1902), lxiv-lxv.

[83] W. Reichart, *Titus Livius quae de dis ac religionibus senserit* (unpublished dissertation, Vienna, 1938).

[84] G. Stübler, *Die Religiosität des Livius* (Stuttgart &c., 1941).

[85] M. De Vreese, *Studie over de prodigiën bij Livius* (unpublished dissertation, Leuven, 1944).

[86] J. Jiménez-Delgado, "Importancia de los prodigos en Tito Livio", *Helmantica* 12 (1961), 27-46; "Postura de Livio frente al prodigio", *Helmantica* 14 (1963), 381-419.

[87] T.L. Newton, *Portents and Prodigies in Livy* (unpublished dissertation, Leeds, 1966).

[88] H. Bornecque, *Tite-Live* (Paris, 1933), 59-67.

[89] Bayet (1947), xxxix-xli.

[90] I. Kajanto, *God and Fate in Livy* (Turku, 1957).

[91] O. Fabricius, *Zur religiösen Anschauungsweise des Livius* (Königsberg, 1865). Fabricius sees Livy as recognising the importance of the supernatural for the Roman state, but not as accepting it himself (5, 9-13, 21-6).

[92] W. Liebeschuetz, "The Religious Position of Livy's History", *JRS* 57 (1967), 45-55. Liebeschuetz stresses the importance of the fact that both belief and scepticism are present in the work; in this respect his account is, as will be seen, close to my own. However, he regards scepticism as central to the attitude of the work as regards the existence of the supernatural; he holds that the indications of belief are not to be taken at face value, but are there to provide a dramatic story without any particular theological implications, while at the same time underlining the importance of traditional religious practice. The sophisticated reader, he believes, is meant to reject the naïve interpretation of the events (49-51).

[93] P.G. Walsh, "Livy and Stoicism", *AJPh* 79 (1958), 355-75; *Livy: His Historical Aims and Methods* (Cambridge, 1961), 46-64.

widely differing positions; let us examine the evidence and see what conclusion can be reached.

Evidence for Livy's Scepticism

Livy's scepticism is inferred above all from passages in which he apparently states directly his view on religious phenomena. An especially striking example is 27.23.2: 'Cumis — adeo minimis etiam rebus prava religio inserit deos — mures in aede Iovis aurum rosisse'. This seems to indicate substantial scepticism that extends well beyond the individual prodigy in question. 'Prava religio' has a strongly polemical tone;[94] the initial 'adeo', and the use of the present tense, gives the whole phrase a sententious cast; while the 'etiam' qualifying 'minimis rebus' suggests that those who see the divine in larger events, also, are similarly affected by 'prava religio'. In short, the passage is clearly implying that any connection between prodigies and the gods is quite spurious. Livy adopts a comparable tone in 24.44.8: 'et alia ludibria oculorum auriumque credita pro veris'; while less sententious, 'ludibria' is extremely dismissive of the varied set of prodigies that follows, and it is hard not to see this as applying also to those elsewhere in the work.

At 21.62.1 the dismissal is less sweeping, but still significant: 'Romae aut circa urbem multa ea hieme prodigia facta aut, quod evenire solet motis semel in religionem animis, multa nuntiata et temere credita sunt'. Here the existence of the prodigies is at least accepted as a possible alternative; however, Livy weights the argument strongly against that option.[95] The phrase 'temere credita' suggests that a person would be rash to accept the reports of such prodigies at face value; while both the announcement and the belief in prodigies are given a psychological explanation. 'Solet' (as before, in the present tense) suggests that this account is generally valid, and applies to other apparent manifestations of supernatural phenomena. We may compare 27.37.2: 'sub unius prodigii, ut fit, mentionem alia quoque nuntiata'. Here the psychological explanation is implicit, rather than explicit, but is again given general validity by the present tense.

Very similar sentiments are expressed in 24.10.6: 'prodigia eo anno multa nuntiata sunt, quae quo magis credebant simplices ac religiosi homines, eo

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[94] Compare Lucretius' attack on 'religio' at 1.63-101, which likewise associates the concept closely with strong connotations of immorality: above all the paradoxical 1.83.

[95] Compare 3.5.14: 'portentaque alia aut obversata oculis aut vanas exterritis ostentavere species'. Here similar alternatives are offered, but there is no suggestion that Livy is slanting his account in favour of the sceptical.

plura nuntiabantur'. Not only is it suggested that the announcement of prodigies arose directly from people's belief in them, but that belief itself is ascribed to 'simplices ac religiosi'. It is true that 'religiosus' is not generally a pejorative word,[96] but its use here strongly suggests that, in Livy's view, the beliefs of the 'religiosi' share in the naïvety that one would expect from the 'simplices'.

29.14.2 enlarges on the psychological aspect: 'impleverat ea res [sc. the belief that the war would end that year] superstitionum animos, pronique et ad nuntianda et ad credenda prodigia erant; eo plura volgabantur'. This not only repeats the opinion that prodigies are reported in response to people's readiness to believe in them, but also suggests a reason for this readiness: that the approaching crisis turned people to *superstitio*. This word, of course, is much more openly pejorative than *religio* or *religiosus* in the previous extracts, and to apply it to belief in prodigies indicates yet again a scepticism about them that extends further than the particular instances here. A similar idea, though expressed in slightly milder language, appears at 28.11.1: 'in civitate tanto discrimine belli sollicita cum omnium secundorum adversorumque causas in deos verterent, multa prodigia nuntiabant'.

All of the examples so far come from prodigy lists: however, outside those, also, we find examples of Livy's scepticism about the supernatural. One of the most famous comes at 1.19.5, where Numa's nocturnal meetings with the nymph Egeria are seen as nothing more than a pretence to enable him to bring about his religious reforms.[97] At 24.3.7, when he has introduced the celebrated temple of Juno at Croton, he says of it 'ac miracula aliqua adfinguntur ut plerumque tam insignibus locis'; 'adfingo' carries clear connotations of invention,[98] and once again Livy generalises so as to express a more far-reaching scepticism. At 25.39.16 he tells how a divine halo surrounded the head of L. Marcius, and comments 'et verae gloriae eius etiam miracula addunt' — the word 'verae' implying that the story precisely lacks such 'veritas'.

Perhaps the most sustained attack that Livy makes on miracles occurs in his discussion of Scipio's claims to have experienced visions (26.19.3-4):[99]

> fuit enim Scipio non veris tantum virtutibus mirabilis, sed arte quoque quadam ab iuventa in ostentationem earum compositus, pleraque apud multitudinem aut per nocturnas visa species aut velut divinitus mente monita agens, sive et ipse

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[96] *OLD* s.v. 'religiosus' 1.b cites a few rare derogatory uses; the passages quoted suggest that this usage is archaic (cf. Gellius 4.9.1-3).

[97] 'qui cum descendere ad animos sine aliquo commento miraculi non posset, *simulat* sibi cum dea Egeria congressus nocternos esse'. See Kajanto (1957), 43-4, and below, 136-7.

[98] *TLL* s.v. 'affingo' B.

[99] Kajanto (1957), 45-6.

> capti quadam superstitione animi, sive ut imperia consiliaque velut sorte oraculi missa sine cunctatione exsequerentur.

Livy leaves open the possibility that Scipio himself believed in these visions, but is quite unequivocal in rejecting their reality. Here, as with Marcius, the supernatural is contrasted with a person's 'true' qualities ('veris ... virtutibus'); even if Scipio did believe in the visions, he was deluded ('capti quadam superstitione'); and, whether he did or not, the legend grew merely as a result of his skill in promoting it by his solitary visits to temples.[100] A similar attitude on Livy's part appears towards the story of the snake which, as was told of Alexander, is said to have given birth to Scipio — the story is 'et vanitate et fabula parem' (29.19.7),[101] and yet Scipio encourages belief in it;[102] here too his 'ars' is stressed as the main cause of the story spreading.[103]

The passages discussed so far show a sceptical attitude that is fairly widespread; nevertheless, the majority of occurrences of the supernatural in Livy have no such sceptical statements attached. There is, however, a more general way in which Livy might be thought to be indicating scepticism towards the stories that he discusses: namely his use of *oratio obliqua*. Time and again, when he reports stories of the supernatural, he qualifies them with words like 'dicitur', 'fama est', 'traditur' or 'nuntiatum est', thus including the stories, but avoiding vouching for them himself.[104] Examples of this are numerous; many prodigy lists, including those at 4.21.5, 10.31.8, 21.62.1-6, 22.1.8-13, 24.10.6-12, 27.4.11-14, 27.23.1-3 and 29.14.3 are entirely in *oratio obliqua*, as are other supernatural stories, such as the competing auguries to found Rome (1.7.10), the proof of augury that Attus Navius gave to Tarquinius Priscus (1.36.4-5), the vision advising Decius to devote himself (8.6.9-10), Hannibal's dream as he marched on Italy (21.22.6-9), and the miraculous events at the temple of Juno at Croton, where the ashes on the altar were not moved by the wind (24.3.7).

It is true, of course, that such a use of indirect speech is far from unique to Livy: it is standard practice in historians from Herodotus on, and might often be taken to indicate not outright scepticism, but suspension of judgement; it can be employed even in cases where the historian seems

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[100] 26.19.5: 'ad hoc ... praeparans animos'.

[101] Compare 9.18.4, where Alexander's similar stories are called 'vanitatem ementiendae stirpis'.

[102] 26.19.6: 'hic mos per omnem vitam servatus seu consulto seu temere volgatae opinioni fidem ... fecit stirpis eum divinae virum esse, rettulitque famam &c.'.

[103] 26.19.8: 'his miraculis numquam ab eo ipso elusa fides est; quia potius aucto arte quadam nec abnuendi tale quicquam nec palam adfirmandi'.

[104] Bornecque (1933), 61-2; Kajanto (1957), 32-4; Walsh (1961), 47-8.

relatively confident in the authenticity of the report.[105] It is not necessarily that he believes that the event in question did not take place, but that he is not prepared to affirm with assurance that it did. However, in the case of Livy it seems plausible to argue that such suspension of judgement is given a more sceptical cast precisely through appearing in the context of so many overt statements of outright scepticism about comparable subjects; through *oratio obliqua* he indicates his scepticism without having to advertise it explicitly on every separate occasion.

At a few points Livy does in fact describe the supernatural using direct authorial narration, but these for the most part comprise the stories that admit more easily of a naturalistic explanation.[106] We may note in particular the occasions where part of a story is told in direct narration and part in *oratio obliqua*: almost always the former is the part easily explained in naturalistic terms. An especially good example is 25.16.1-4, where Gracchus is interrupted three times while performing a sacrifice by two snakes that appear and devour the sacrificed animal's liver. The first occasion is described by Livy in direct narration, but the two subsequent repetitions are put into reported speech: 'iterum ac tertium *tradunt* libato iocinere intactos angues abisse'. Once is possible, but it seems as if two and three times are unlikely enough to make Livy reluctant to vouch for them.[107]

There are occasional exceptions to this practice, when Livy will put into direct narration events that are explicitly said to be supernatural.[108] However, the suggestion is not that there is a strict rule, only that there are general indications here of Livy's views: that generally he will place the supernatural in *oratio obliqua*, and, even if he decides to place part of a story in direct narration, it will tend be that part of the story which one might most reasonably consider to involve genuinely natural phenomena.

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[105] See H.D. Westlake, "Λέγεται in Thucydides", *Mnemosyne* 30 (1977), 345-62, esp. 361-2; cf. D. Lateiner, *The Historical Method of Herodotus* (Toronto &c., 1989), 22-6.

[106] For the distinction cf. Cicero, *Div.* 2.60-62, which argues that everything may be explained scientifically, and that hence prodigies either are natural events, or else do not really happen.

[107] It follows from this that it is possible for us to deduce from Livy the boundaries that were drawn between the natural and the supernatural in his day. There are certain phenomena which are relatively likely to be placed in direct narration, even when other events around them are in *oratio obliqua*; it would seem reasonable to deduce that these were seen as part of the natural world capable, at least in principle, of being explained scientifically. This is the case, for example, with rains of stones (1.31.2, 25.7.7, 27.37.1, 30.28.9), and this is supported by Cicero, *Div.* 2.60, who lists them with earthquakes, meteors and comets as portents with a natural explanation.

[108] E.g. 29.8.9-11.

Evidence for Livy's Belief

There are relatively few direct statements affirming the existence of the supernatural to match those questioning it, but there is a clear example of one at 27.23.4, where the deaths of the consuls Marcellus and Crispinus are explicitly connected with their inability to perform the correct expiation:

> per dies aliquot hostiae maiores sine litatione caesae diuque non impetrata pax deum. in capita consulum re publica incolumi exitiabilis prodigiorum eventus vertit.

We should also observe 29.8.9-11:

> iam avaritia ne sacrorum quidem spoliatione abstinuit; nec alia modo templa violata sed Proserpinae etiam intacti omni aetate thesauri, praeterquam quod a Pyrrho, qui cum magno piaculo sacrilegii sui manubias rettulit, spoliati dicebantur. *ergo* sicut ante regiae naves laceratae naufragiis nihil in terram integri praeter sacram pecuniam deae quam asportabant extulerant, tum quoque alio genere cladis eadem illa pecunia omnibus contactis ea violatione templi furorem obiecit atque inter se ducem in ducem, militem in militem rabie hostili vertit.

Here not only are the events accepted in themselves, but they are clearly the result of divine intervention.[109] Note too 41.18.14, where the death of the consul Petillius after bad omens have been received is said to be 'tam evidentem tristis ominis eventum'.

But while explicit acknowledgement of the supernatural is rare, there are a very large number of occasions when the supernatural is implicitly shown as having an effect on the sequence of events. Much of my discussion in subsequent chapters will be spent in demonstrating how this works, and in disproving Kajanto's argument that such effects only appear when Livy is taking over earlier sources unchanged:[110] I shall show numerous occasions where Livy alters his sources precisely in order to create such effects. To this extent what I am saying here must be provisional, as it depends on conclusions that will only later be proved; however, a single example may

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[109] *Contra* Kajanto (1957), 31-2, who argues that there is no divine power involved in the internecine strife described at the end of the passage, but only a 'curse which was, as it were, contagious [causing them to lose] all self-control ... the curse is conceived as an almost tangible object which deprives people of *bona, sana mens*'. But this overlooks the link that is made with the shipwreck of Pyrrhus which destroyed everything but the treasure: this can hardly be attributed simply to a psychological curse.

[110] Kajanto (1957), 28-9.

be introduced, as it is one that is so clear that even Kajanto accepts it.[111] Flaminius' defeat at Lake Trasimene is directly preceded by two lengthy prodigy lists in quick succession, and finally by a pair of omens directly before the battle; all of these he ignores.[112] It is difficult not to associate the supernatural events with the defeat, even though Livy nowhere explicitly draws such a conclusion.[113]

This, then, is the evidence on which we must base our account of Livy's attitude towards the supernatural. One key passage, however, has not yet been mentioned: 43.13.1-2, which seems to be putting forward some sort of reason for Livy's inclusion of prodigies:

> non sum nescius ab eadem neglegentia, quia[114] nihil deos portendere vulgo nunc credant, neque nuntiari admodum ulla prodigia in publicum neque in annales referri. ceterum et mihi vetustas res scribenti nescio quo pacto antiquus fit animus, et quaedam religio tenet, quae illi prudentissimi viri publice suscipienda censuerint, ea pro indignis habere, quae in meos annales referam.

This passage has been interpreted in a number of ways. To Jiménez-Delgado it confirms beyond all shadow of doubt Livy's fundamental religiosity.[115] For Kajanto, on the other hand, it is Livy's explanation for his inclusion of prodigies *despite* his fundamental scepticism: 'entering into the spirit of ancient times and revering his forefathers, he thinks it his duty to record the manifestations of *their* faith' (my emphasis).[116] For Walsh, who regards Livy as a type of Stoic, he is 'defending what he believes to be the older and better values' — like Posidonius, he accepts the 'possibility' that prodigies express the divine will.[117] Burck and Saint-Denis take the

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[111] Kajanto (1957), 29.

[112] Prodigies: 21.62 and 22.1.5-20; omens: 22.3.11-14. See further below, 38-42.

[113] It is true that Fabius makes the connection at 22.9.7, but this may be thought to say less about Livy's views on prodigies than about his characterisation of Fabius, who is consistently presented as meticulous in matters of religious ritual (e.g. 23.30.13-14, 23.36.9-10, 27.16.15).

[114] I accept here Madvig's emendation of the MS 'qua', as fitting better with Livy's line of thought in the rest of the passage. If 'qua' is read, my argument is very slightly weakened, in that failure to believe in prodigies, as well as failure to report them, will be an example of 'neglegentia'. Even then, however, the expression of belief is extremely oblique, and the bulk of the passage is still taken up with the idea of 'respect for the past' — it is striking that Livy does not go on to counter those who have neglected prodigies by suggesting that they are genuine signs from the gods.

[115] Jiménez-Delgado (1963), 389.

[116] Kajanto (1957), 48. Compare Reichart (1938), 57, who holds that Livy generally believes in prodigies, but sees this passage as explaining why he includes the ones in which he does not believe.

[117] Walsh (1961), 62.

passage as showing only that Livy wished to show reverence to the Romans of the past by recreating an antique *atmosphere* in his work, of which prodigies are one manifestation: others are the antiquarian formulae that one finds, especially in the earlier books.[118] All of this disagreement might in itself suggest that we are not after all provided here with any unequivocal statement of Livy's views on prodigies.

Let us therefore see precisely what Livy is and is not saying here. He refers to the modern 'neglegentia' of prodigies, which is a result, he claims, of people believing that the gods do not reveal the future, and which prevents prodigies from being announced — 'neglegentia' has pejorative overtones, which suggest that Livy does not approve of this. Despite this, the nature of the subject matter makes his mind 'antiquus', and moreover he is led by a certain 'religio' not to disregard things which 'illi prudentissimi viri' have thought worthy of regard. In other words, Livy certainly thinks prodigy lists are important — but only gives reasons in terms of Roman tradition. He gives no reason which is connected in any way with the existence or non-existence of prodigies themselves. Even the word 'religio', which might lead us to expect that he views them in some sense as divine manifestations, might well only have the connotation of 'respect for one's ancestors' which is stressed in the remainder of the passage.[119]

Consequently, it is easy to see how the general tone of respect here towards Roman religion might lead one to believe that Livy is being totally and conventionally pious. One could also understand, on the other hand, Kajanto's feeling that Livy's silence on the manifestations themselves should be interpreted as disbelief; or that others should conclude that Livy is not really talking about prodigies at all, but about his attitude to the past, which, after all, is the one thing that is stated quite unambiguously. For on the prodigies themselves Livy is equivocating, and thus it is possible to make this passage cohere with whatever position one has constructed for him on the basis of the rest of the work. The most interesting question is why Livy is putting forward this particular view of prodigies at this point in his work, but we will not be able to answer this until we come to examine the passage in its context in Chapter Four. For the moment, however, it is clear that it is unlikely to help us with the question under discussion, namely determining Livy's scepticism or lack of scepticism concerning the supernatural.

Most of the scholars whose views about Livy's attitude to the supernatural were considered above recognise that Livy expresses both sceptical and non-sceptical viewpoints. Those arguing for scepticism suggest that the

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[118] E. Burck, *Die Erzählungkunst des Titus Livius* (Berlin, 1934), 237; E. de Saint-Denis, "Les énumérations des prodiges dans l'oeuvre de Tite-Live", *RPh* 16 (1942), 127.

[119] *OLD* s.v. 'religio' 10.

expressions of belief are due to traditionalism, or are there 'for literary reasons',[120] while those arguing for belief suggest that the scepticism is only meant to apply to certain individual manifestations of the supernatural, not to the supernatural in general.[121] There are problems with both of these positions: the former relies on a dubious notion of 'the literary' (a point which I shall discuss more fully below), while the latter overlooks the sententious nature of many of Livy's sceptical comments, which seem to have a resonance far beyond the particular events to which they are attached.[122] Both sides, however, as well as those like Walsh who attempt to reconcile them, have overlooked the key point that Livy does not merely express both belief and scepticism, but that for much of the time he does so simultaneously: that the same passage both will reject supernatural events and will show those very same events as having a profound effect on the course of Roman history.[123]

Indeed, the link between scepticism and belief in the supernatural can be shown to be not merely fortuitous, but fundamental to the way in which Livy treats his material. It will have been observed that in the previous discussion no examples have been drawn from the Fourth Decade. This is not chance, nor is it due to the lack of any material dealing with the supernatural — the decade contains at least twenty-one prodigy lists. However, as Chapter Three will demonstrate, there are very few examples in the whole Fourth Decade of Livy even implicitly showing the supernatural having an effect on the human world. So, too, if we look for sceptical comments, we find that whereas in the seventeen lists of the Third Decade, as many as nine have some such qualifying statements, of the rather greater number in the Fourth there is not a single clear example of such a passage. The closest that we get are a couple of phrases that might be taken to express a mild form of scepticism: at 35.40.8 Livy refers to the fear caused by an earthquake as 'pavor vanus', while at 39.46.4, speaking of an omen

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[120] E.g. Kajanto, (1957) 28-9; Liebeschuetz (1967), 50-1.

[121] E.g. Reichart (1938), 50-3; Stübler (1941), 99-103; De Vreese (1944), 160; Jiménez-Delgado (1963), 389-400; Newton (1966), 277-9.

[122] Liebeschuetz (1967), 48-9.

[123] I exclude from this criticism Liebeschuetz (1967), who observes the phenomenon, and seeks to account for it in terms of Livy's aim of advocating Roman religion while at the same time being sceptical about the supernatural events associated with it. But his argument, like that of Kajanto (n.120 above), employs the unacceptable notion that a distinction can be made between the 'literary' nature of the story taken literally, and the authorial comments (below, 26). He also relies on the assumption that the reader would be unable to take the supernatural at face value in the light of Livy's sceptical comments; but, as was argued above (11-13), in Cicero, *De Divinatione* there is an even fuller sceptical section to the work, yet it is not intended to override or invalidate the non-sceptical section, which may even be held to have the better arguments (see N. Denyer, "The Case Against Divination: An Examination of Cicero's *De Divinatione*", *PCPhS* 31 (1985), 1-10).

fulfilled, he says 'defunctos vulgo ferebant quod inter fatalia vates cecinissent' — 'vulgo' perhaps carries slightly pejorative connotations of ignorant belief.[124] But neither of these would ever reasonably be seized upon as evidence for scepticism, were it not that the earlier books might lead us to expect such evidence.

The same pattern appears with the use of direct narration and *oratio obliqua*. As was said above, in the earlier books Livy's general practice, albeit with certain exceptions, is to narrate the supernatural in *oratio obliqua*; direct narration is far less common and, even when it appears, is used only for more 'natural' events. But in the Fourth Decade the situation changes quite considerably. It is still the case that, where both modes appear within a single passage, it will generally be the less likely prodigies that appear in *oratio obliqua*. What has changed, however, is their relative frequency: by contrast with the earlier books, Livy's basic mode of narration here is direct narration — the majority of prodigies are narrated in this way.[125]

There is thus a correlation between the absence of scepticism, both overt and implied, and the absence of any positive indications of belief. The same, moreover, applies in the other direction. As was said above (21), the single clearest statement of divine causation in Livy comes at 27.23.4, with the deaths of Marcellus and Crispinus, which he foreshadows with their inability to expiate a set of prodigies: 'in capita consulum re publica incolumi exitiabilis prodigiorum eventus vertit'. Those very same prodigies have just a few lines before been dismissed in what is perhaps Livy's single most sweeping and sententious attack on the supernatural: 'adeo minimis etiam rebus prava religio inserit deos' (27.23.2 — see 17 above). Just as lack of positive belief in the supernatural was closely tied to lack of scepticism, so here extreme scepticism goes hand in hand with overt expression of belief. Similarly, the list at 21.62 initiates a sequence of supernatural events that culminate in and are implicitly connected with the defeat at Trasimene, yet it too has a highly sceptical statement attached (above, 17 and 21-2).

This position of Livy with respect to the supernatural bears a strong affinity to the account that Beard gives of Cicero (above, 11-13). It was argued there that Cicero in his theological works deliberately sets the case for belief and that for scepticism side by side, but fails to draw any conclusion; it was further suggested that this was due to the culture clash between Greek philosophy and traditional Roman religion, which could not yet be adequately synthesised. The fact that a similar position has been

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[124] *OLD* s.v. 'vulgus' 2.

[125] Of the twenty-one lists in the Fourth Decade, ten are entirely or almost entirely in direct narration, while a further six are approximately half in each mode.

demonstrated here to be present in Livy provides support for Beard's analysis, as it shows that the effect is present even in a non-philosophical work, and hence that it is not a narrowly philosophical problem, but one bound up more generally with the culture of the day.

But more than this must be said. In the case of Cicero, it is clear that he had a conscious reason for writing in the way he did: that the format of the works cohered with the ideas of the Academic school of philosophy. While it may be argued that the underlying reason for his choice of the Academic mode of writing was that it enabled him to deal with the culture clash outlined above, nevertheless it is also possible to explain it in terms of his philosophical and literary aims. But in the case of Livy we have still to find such an explanation. There is a clash between belief and scepticism in his work, and the contradictory attitudes are sometimes, as at 27.23.2-4, in such close proximity that they can hardly be anything but deliberate. The culture clash outlined above provides an underlying explanation for his choice of strategy, but we are yet to decide why it was useful to him to write in this way.

The first thing that must be seen is that it is not possible to make a distinction between 'Livy's beliefs', in the sense of passages that purport to be authorial comment, and 'Livy's literary aims', in the sense of the narrative strategy of the work; we certainly must not give the former a privileged position. Such passages do not stand outside the narrative, but are part of it, for all that they take the form of Livy's comments on it.[126] Livy provides the reader with what seems a perfectly worked out scheme of the effect of the supernatural on human affairs, and then caps it with sceptical disclaimers. Each of these elements has an equally powerful claim to be a reliable guide through the narrative for the reader: how then is the reader to make sense of Livy's presentation of Roman history?[127]

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[126] Against this one might cite *Praef.* 6-8: 'quae ante conditam condendamve urbem poeticis magis decora fabulis quam incorruptis rerum gestarum monumentis traduntur, ea nec adfirmare nec refellere in animo est. datur haec venia antiquitati ut miscendo humana divinis primordia urbium augustiora faciat ... sed haec et his similia utcumque animadversa aut existimata erunt haud in magno equidem ponam discrimine'. While the reference to 'nec adfirmare nec refellere' would seem to confirm my view of Livy's equivocation, the tone of the passage is certainly sceptical, and the Preface might be thought the one section of the work that could justifiably receive a privileged reading. However, this last point is highly doubtful, and even if it were accepted, Livy is not discussing the supernatural here, but pre-foundation myths, and the vague 'et his similia' is hardly sufficient to change the focus of his scepticism to religion (*contra* Kajanto (1957), 23, 29-30).

[127] On the general theory that underlies this see W. Booth, *The Rhetoric of Fiction* (Chicago &c., 1961). Booth, however, does not discuss the specific situation that we have here, where the authorial voice that by every other criterion must count as 'reliable' is contradicted by the narrative; for a study which takes this possibility into account cf. L. Braudy, *Narrative Form in History and Fiction* (Princeton, 1970).

A useful starting-point is the concept of 'double motivation' or 'causal overdetermination'. From Homer on, various ancient writers are prone to treat events simultaneously in divine and human terms, with either separately sufficient to explain what happens. To us, it might appear that one or other factor is superfluous; but they seem to have perceived no such contradiction: the divine explanation supplements the human rather than cancelling it out. Such an approach is found not only in Homer and other early poets, but also in Herodotus, and enables them to attribute action to the gods without denying human responsibility.[128] It might appear that Livy's characteristic combination of belief and scepticism is a further manifestation of this phenomenon.

However, it is unlikely that 'causal overdetermination' was still part of the belief-system of first century Rome. Writers of this period, unlike Homer and Herodotus, were working against the background of centuries of rationalising reinterpretations of early epic that often involved precisely attempts to allegorise away the divine explanation, or otherwise to reconcile it with the human, with the implicit premise that to have both explanations operating separately and simultaneously was no longer seen as possible.[129] Consequently, Roman examples are rare, and much more complex and doubtful. For example, in Virgil, *Aeneid* 7.341-474, the attempts of Allecto to arouse Amata and Turnus against the Trojans are seen in terms both of the human characters' psychology and of divine action; but it is far from clear that we are at any stage to envisage the two as operating in parallel in the Homeric sense.[130]

Moreover, Livy goes further than Homer or Herodotus. His scepticism does not merely offer an additional, human cause to go alongside the divine: it explicitly denies that the divine cause is operating at all. 'Causal overdetermination' combines the affirmation of a human cause with the affirmation of a divine cause; it is quite another thing to combine the direct affirmation of a divine cause with a direct denial of that same divine cause. 'Causal overdetermination', even if not a standard part of Roman thought,

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[128] On 'causal overdetermination' see E.R. Dodds, *The Greeks and the Irrational* (Berkeley &c., 1951), 1-27; A. Lesky, *Göttliche und menschliche Motivation im homerischen Epos* (Heidelberg, 1961); for Herodotus see J. Gould, *Herodotus* (London, 1989), 70-1.

[129] Cf. D.C. Feeney, *The Gods in Epic* (Oxford, 1991), 51-5.

[130] Among the many interpretations of this controversial episode, R.O.A.M. Lyne, *Further Voices in Virgil's Aeneid* (Oxford, 1987), 66-71 argues that in Virgil the gods influence humans by working with pre-existing emotions: unlike in Homer, neither level is separately sufficient. Still more plausible is the detailed analysis of Feeney (1991), 162-72, arguing that it is the very impossiblity of the double viewpoint that Virgil exploits: 'his technique flaunts the fictionality of the entire episode by continually unsettling us, keeping us dithering between two incompatible reading conventions' (Feeney (1991), 168). Feeney's reading of Virgil brings him close to my account of Livy: see further below.

may still be a useful concept, as its effects may be analogous to those aimed at by Livy; but we should not overlook the fact that what he is doing is considerably more radical.

This radicalism has a striking modern analogue that may help us better appreciate the role that it plays in Livy's work: in Tzvetan Todorov's famous account of the 'literature of the fantastic'.[131] Todorov distinguishes three ways of treating the supernatural in literature: the'uncanny', the 'marvellous', and the 'fantastic'. In the 'uncanny', the normal laws of nature are ultimately vindicated, and the apparently supernatural events are exposed as, for example, a dream or an illusion. In the 'marvellous', the world operates according to non-standard sets of laws, and the supernatural is seen as an acceptable part of that fictional world. But the 'fantastic' stands on the cusp between the other two: it is left uncertain whether the supernatural events are to be attributed to the fictional world having laws of its own, or to an illusory experience within a naturalistic world.[132]

The relevance of this to my account of Livy will be clear. As long as the supernatural plays any part at all within his work, he combines two equally strong indications: that the supernatural actually works within the world (as established by the overall tendency of the narrative), and that it is simply to be attributed to illusion or error on the part of those who perceive it (as established by the explicit and implicit comments of an implied author with every claim to reliability). When he has a long general discussion of the subject, at 43.13, he avoids a lengthy personal *credo* that could tip the scales one way or the other; but instead his equivocation maintains the balance between the two.

Of course, we should not overlook the important differences. Todorov is describing a genre of fictional narrative, and aspects of his study relate to the reader's awareness that the supernatural events, even if accepted within the confines of the narrative, could not occur within the real world.[133] Livy was an historian, and his readers are expected not to make such a distinction between the narrative and the real world, and indeed his readership would for the most part have allowed the possibility of the supernatural genuinely existing in real life. To this point Todorov's analysis cannot be validly applied to Livy. However, the general analogy with

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[131] T. Todorov, *Introduction à la littérature fantastique* (Paris, 1970). Although Todorov claims to be discussing a general type, rather than an historical genre, in practice he sees it as confined to a very narrow period of modern literature (Todorov (1970), 174-5). However, other theorists have sought to apply his insights more widely; e.g. E.S. Rabkin, *The Fantastic in Literature* (Princeton, 1976); C. Brooke-Rose, *A Rhetoric of the Unreal* (Cambridge, 1981).

[132] Todorov (1970), 29.

[133] This feature is especially emphasised by Rabkin (1976).

Todorov's reader can still stand, while that reader temporarily suspends disbelief and accepts the fictional world on its own terms.[134]

What, then, is the effect of Livy's handling the supernatural as he does? The first point relates to his presentation of himself as an historian. It might appear that to have the narrative contradicting his authorial voice would have the effect of undermining that voice, and hence of weakening his claims to historical authority. However, the stability and authority of the authorial pronouncements are sufficiently well-established elsewhere in the work for this not to be a serious problem for him; and any slight losses are considerably outweighed by the gains. By employing the authorial voice to question even what might appear manifest from his account, Livy shows himself a sceptical, rational enquirer into the past, who is not prepared to accept his stories at face value. He does not seek to present himself as an impersonal relayer of 'fact' in the Thucydidean manner;[135] after all, Thucydides was confining himself to contemporary history, and could lay claim to being an impartial authority.[136] For Livy, who is dealing with stories inherited from other writers, to use the same technique might merely make it appear that he had reproduced others' errors. More positive evidence of a critical attitude is required. We may compare the many passages in which he draws attention to variants or difficulties in the stories that he is relating — this does not prevent him from telling the story, but it allows him to show himself engaged in criticism of his sources, and hence an historian who is not merely swallowing what he has been told, but who is actively attempting to discover the truth.[137]

More important still are the implications that the combination of belief and scepticism has for the role of the reader. With a question that could be seen as central to the whole of Roman history — the extent to which the divine manifests itself in it — Livy presents two readings that are actually incompatible: hence it is impossible for the reader to accept the whole of his account on its own terms. The result is that the reader can only make sense of the work by actively interpreting it himself, and attempting at every point to weigh up the evidence for and against the involvement of the supernatural

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[134] Cf. esp. Todorov (1970), 37, stressing the importance of readers' regarding the story as real.

[135] On Thucydides' use of 'rhetorical' techniques to present himself in this light, see S. Hornblower, *Thucydides* (London, 1987), 155-6; A.J. Woodman *Rhetoric in Classical Historiography: Four Studies* (London &c., 1988), 16-17.

[136] Cf. Thucydides 1.22.2-3, 5.26.5.

[137] For a (perhaps over-cynical) discussion of the way in which sceptical statements may be used by historians to bolster their credibility, see D. Fehling, *Herodotus and his 'sources': citation, invention and narrative art*, tr. J.G. Howie, (Leeds, 1989), 108-9, 120-1.

in Roman history.[138] In effect, he is compelled to take over part of the work of the historian.[139] Hence Livy and his readers are involved in a joint enterprise: the critical research into the Roman past. A corollary of this is Livy's picture of the past itself, which, in this key respect at any rate, appears to a greater or lesser degree opaque.[140] The gods may, or may not have involved themselves in Rome: to understand may well be impossible, and even to grasp at comprehension requires study, research and explanation on the part of both historian and reader.

But the very fact that Livy himself gives no guidance as to the ultimate solution to this question means that both possibilities must always be present for the reader:[141] in this we may be reminded of the effect of 'causal overdetermination' (above, 27-8). Livy is thus enabled to show the divine at work, protecting Rome and guaranteeing its success, while at the same time he gives full autonomy and credit to the leading figures who brought about that success.

Thus the search for the 'belief of Livy' is illusory. It could be that he was a sceptic, that he was a believer, or that he actually did equivocate between the two, but there is nothing in the work itself to provide us with evidence on this score, since all three attitudes are present, but present with a view to the appropriate construction of the narrative rather than as an expression of conviction.

Fate and Fortune

We can perhaps treat in a comparable fashion Livy's use of the language of fate and fortune. These concepts also formed an area in which traditional and philosophical conceptions clashed, and this clash similarly showed itself in writers using the terms in incompatible ways (above, 13-15). Livy's use of such terms has been the subject of controversy, with Walsh claiming that they show Livy to be a Stoic, and Kajanto and Liebeschuetz denying it: this also must be examined briefly here.

Walsh's argument depends on a number of individual passages in which *fatum*, *fortuna* and their cognates are used in ways that would suggest a

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[138] Cf. Todorov (1970), 36.
[139] Cf. Braudy (1970), 26-7.
[140] Cf. Todorov (1970), 98.
[141] Cf. Todorov (1970), 29.

Stoic position;[142] he then suggests that the remaining uses of these terms are either compatible with Stoicism, or else reflect nothing more than a casual use of conventional language, especially in speeches, in which Livy is more likely to be interested in characterising the speaker than in putting forward a personal viewpoint.[143] Against this, Kajanto and Liebeschuetz argue that, while certain individual uses of the words may show a Stoic influence, the bulk of them are more conventional, and, in the case of *fortuna*, sometimes also involve the Hellenistic τύχη.[144] They moreover argue that the metaphysical underpinnings of Stoicism, such as the harmony of the natural order of the world, are nowhere present, and that consequently it is unlikely that Livy is strongly influenced by Stoic ideas.[145] In the case of *fortuna*, Kajanto concludes that Livy does not use the terms consistently;[146] that sometimes it is a providential fortune working for the protection of the city,[147] at other times, especially in set phrases such as 'fortuna belli', it means little more than 'chance',[148] while at other times it denotes τύχη in the Hellenistic sense.[149] In the case of *fatum*, both Kajanto and Liebeschuetz conclude that the apparent cases of Stoicism are largely to be discounted. Liebeschuetz, for example, accepts that Livy has a single

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142 Walsh (1958), 362-3, 366; (1961), 53-5; he cites in particular 1.42.2 'nec rupit tamen fati necessitatem'; 8.7.8 'inexsuperabilis vis fati'; 25.16.4 'nulla tamen providentia fatum imminens moveri potuit'; 6.9.3: 'credo rem Antiatem diuturniorem manere dis cordi fuisse ... eo vim Camilli ab Antio fortuna avertit'.

143 Walsh (1958), 362, 366-72; (1961) 53, 57-9. A similar position is found in the analysis of Livy's use of *fortuna* by Erkell (1952), 162-73: he does not mention Stoicism, but regards the word as essentially providential, and dismisses the apparent examples to the contrary much as Walsh does.

144 Kajanto (1957), 53-100; Liebeschuetz (1967), 52-3.

145 Liebeschuetz (1967), 52.

146 A similar account is given of Livy's use of 'forte' by J. Champeaux, "'Forte' chez Tite-Live", *REL* 45 (1967), 363-89. She distinguishes five senses: it expresses that something is improbable, or involuntary, or coincidental, or it is used to reinforce a fact, or, very rarely, it is used in a providential sense. However, she regards the last of these, for no apparent reason, as fundamental, and in this her conclusions are close to those of Walsh and Erkell.

147 Kajanto (1957), 64-72. This applies especially in the traditional idea of a personal *fortuna*, such as 'fortuna populi Romani' (above, 14); this sort of usage appears, for example, at 1.46.5 'forte ita inciderat ne duo violentia ingenia matrimonio iungerentur, fortuna, credo, populi Romani'; 2.40.13 'ibi fortuna populi Romani duos hostium exercitus haud minus pernicioso quam pertinaci certamine confecit'; 3.7.1 'deserta omnia, sine capite, sine viribus, di praesides ac fortuna urbis tutata est'.

148 Kajanto (1957), 72-9. This usage is quite common, appearing, for example, at 2.12.7, 7.37.4, 9.12.11, 23.16.7, 40.27.2.

149 Kajanto (1957), 79-89. He cites a large number of examples, some of which are rather dubious, such as 2.35.1: 'frumentum, quae sola alimenta ex insperato fortuna dederat'. Here the word could easily denote 'providence' — the fact that it is unexpected by its recipients need not imply that it is wanton or fickle, as τύχη is usually suggested to be. But other examples are more plausible, such as 10.29.7: 'haec in sinistro cornu Romanorum fortuna variaverat'; or 22.41.1: 'temeritati consulis ac praepropero ingenio materiam etiam fortuna dedit'.

concept underlying his use of the word *fatum*, but denies that it is the philosophical notion of providence:[150] it simply reflects his view of the inevitability of certain events.[151]

The problem with Walsh's position is that, while it is possible that even a fairly thorough-going Roman Stoic of the day would have used conventional language, and so might most of the time have employed words such as *fatum* and *fortuna* in senses that were not consonant with his philosophical views (as a modern atheist might exclaim 'Good God'), it seems unlikely that any reader of his work would under such circumstances be expected to take it as a Stoic work, especially in the absence of any clear reference to the more distinctive parts of Stoic doctrine. We must therefore conclude that we have no especial reason to see Stoicism as the key to understanding Livy's use of *fatum* and *fortuna*. A similar problem, however, underlies the attempts by Kajanto and Liebeschuetz to dismiss the Stoicism in the work: that the passages which most naturally admit of a Stoic interpretation have to be ignored. Just as with scepticism, we have no reason to give a privileged position to particular statements in Livy's work; if he uses both Stoic and non-Stoic language, we have to accept both. This is in fact what Kajanto has done in the case of *fortuna*, and there I would accept his account with few reservations, save that I would differ with him on the question of into which category to put certain individual cases.

The underlying explanation that I should want to give is once again that such inconsistencies as appear in Livy's use of *fatum* and *fortuna* are due to the clash between the traditional Roman concepts and the Greek philosophical ideas that they were sometimes translating: both of these had been assimilated into the Roman culture of the day, but as yet a full reconciliation of them had not emerged (above, 13-15). But this will once again hardly do as an account of Livy's conscious strategy. Of course, we have no reason to believe, as we did in the case of scepticism, that Livy is deliberately setting incompatible versions of the concepts against one another; and indeed, the philosophical and traditional concepts were not so far apart as to make the inconsistencies readily apparent to a reader (above, 13-14). Rather we have to look more closely into the implications of the separate meanings

[150] Liebeschuetz (1967), 53 in fact accepts providential associations in the single case of the description of Scipio after Cannae as 'fatalis dux huiusce belli' (22.53.6).

[151] Liebeschuetz (1967), 52-3; he cites, for example, passages where it refers to the divine will as expressed in oracles, such as 1.7.11: 'dextra Hercules data accipere se omen impleturumque fata ara condita ac dicata ait'; 8.6.11: 'alter uter consulum fata impleret'; 21.22.9: 'pergeret porro ire nec ultra inquireret sineretque fata in occulto esse'; 29.10.8: 'quo maturius fatis ominibus oraculisque portendentis sese victoriae compotes fierent'. At other times he claims that it refers to inevitable destruction, such as 3.50.8: 'uxorem sibi fato ereptam'; and 8.24.4: 'ut ferme fugiendo in media fata ruitur'. Compare Kajanto (1957), 53-63.

of the words, so as to see why he should wish to employ particular connotations at different times.

For *fortuna* we may accept Kajanto's account: that Livy uses it to mean 'luck' or 'chance' when he wishes to draw attention to the incalculable, the unpredictable element, especially in battles, over which humans have no control; in this way he can explain mistakes, or else can emphasise Roman *virtus* by showing that it was superior to *fortuna*.[152] He uses the connotations of Hellenistic τύχη above all in order to provide excuses for Roman defeats,[153] but such an idea, if employed consistently, would have the unwanted effect of diminishing Roman victories. Hence Livy uses it also to mean something like 'providence', and here it is used above all to emphasise the divine protection for the city.[154]

The last of these brings us close to the senses of *fatum*, which always carries the implication of some sort of divine control. At some points it is close to the Stoic idea of a controlled destiny, while at other points it suggests only the more traditional idea of the divine will. The reason that Livy uses both of these ideas is surely that he desires some of the implications of the Stoic notion. In particular, it provides a powerful sense of an inexorable course of events which can therefore be used, like τύχη, to mitigate Roman defeats or the deaths of Roman leaders by showing them as predetermined in the strongest sense possible — it is striking that most of its uses are in such contexts. However, an extended use of such a notion might appear to damage his characters' autonomy; for while Stoics had sought to reconcile free will with determinism, the reconciliation was not easily explicable without detailed philosophical argument such as would be unsuitable for an historian.[155] Livy therefore at other times uses more traditional concepts of fate to provide a sense of destiny for the city, though a weaker one than that associated with Stoicism, or to foreshadow the Romans' ultimate rise to empire or their victory in war.[156] Rome is bound to succeed, and Livy wishes to show this; but he also wishes to show that her success is due to the behaviour of her citizens. Consequently scope has to be left for individuals to exhibit their virtues, and for the rise of Rome to be presented as the result of those virtues.

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[152] Kajanto (1957), 90-1.
[153] Kajanto (1957), 82-4.
[154] Kajanto (1957), 64-71.
[155] Long and Sedley (1987), volume 1, 386-94.
[156] We should note the greater prominence of notions of fate in the First and Third Decades: this is doubtless at least partly because the subject matter here, dealing with the rise of the city and her victory in a life and death struggle with her deadliest enemy, makes foreshadowing of the ultimate Roman victory especially appropriate. See Kajanto (1957), 62-3.

3. Methods of Approach

The argument so far has demonstrated that Livy's views on religion are incapable of being discovered and, moreover, that even if one takes the work rather than the author as the object of study, no single position emerges, but rather a carefully balanced amalgam of contradictory positions. This argument, however, depended on certain assumptions which now must be argued for in detail. It was suggested that in certain parts of his history Livy seeks to integrate the supernatural into the narrative — by this I mean to show the supernatural as having an effect upon and being affected by the human action. It must be considered in the following chapters whether this is in fact the case; we must also examine the degree to which such an integration occurs, as this may serve to shed light upon the historian's technique. For example, in various parts of his work it may be that, while certain religious episodes are used in such a way, a substantial number are not, but serve, say, simply to provide antiquarian colour, or to characterise particular individuals. Under such circumstances, when religious material is being used for a number of unrelated purposes, one would be reluctant to suggest that the religious theme is as significant as in some other part of the work in which the actual quantity of material might be less, but where that material is more consistently integrated into the action.

How to demonstrate where such integration is and where it is not taking place presents certain difficulties. Livy was not composing his work completely freely, but was an historian who drew on earlier writers for his stories. At first sight this would not seem to be a problem: even if Livy derives a story from another writer, the selection of that story and the decision not to alter it still might be thought to represent a positive choice on Livy's part, and it may therefore be examined as if he had composed it himself. However, this presupposes that a choice was in fact available to him, and this can be questioned. Certainly, he allowed himself a great deal of leeway in his selection and treatment of his stories,[157] but there were still limits. Some stories would have become canonical in a particular version, and it is always possible that a story would have been so famous that it could not be omitted, and that certain aspects of it would have been so firmly ingrained in the tradition that they could not be altered. In this

[157] This assumes that Livy had in fact consulted enough sources to have several variants from which to select — this position is persuasively argued for by T.J. Luce, *Livy: The Composition of his History* (Princeton, 1977), 139-84. For an account of how Livy selected and adapted his sources see Luce (1977), 185-229.

case, the slant of Livy's narrative would not represent a choice on his part, but would have been imposed upon him by his sources.[158]

One approach is to use comparative material from other writers who treat the same story; this can help establish what aspects of a story were capable of being altered. More generally, even later writers who are themselves dependent upon Livy can sometimes help us see precisely what is distinctive about his account (remembering always that the other writers are themselves treating the stories according to the particular circumstances of their own works).[159] However, such comparative material is not always available: in particular, when looking at religion in the later decades, it is often absent. Polybius, our major alternative source, contains relatively little of religious interest;[160] Plutarch has more, but even he does not cover many of the prodigies, which form a substantial proportion of the religious material in Books 21-45.

However, it is possible that these prodigies might themselves provide a framework for the analysis of religion in these decades. They occur more or less every year according to a regular pattern:[161] they are announced, generally at the start of the year,[162] and are dealt with before the consuls leave for their provinces. This, at any rate, is Livy's standard procedure, and prodigies are generally thought to have appeared this way in his annalistic sources.[163] At various times, however, he alters the basic

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[158] On the limitations that tradition imposed on Roman historians see T.J. Cornell, "The Formation of the Historical Tradition of Early Rome", in *Past Perspectives*, ed. I.S. Moxon, J.D. Smart, A.J. Woodman (Cambridge, 1986), 67-86, esp. 75-85. Others, notably Woodman (1988), argue that historians had considerably greater licence to invent; but even on this view a certain sub-structure of 'hard-core' facts would be unalterable (Woodman (1988), 88-93).

[159] Comparative discussions of this sort were pioneered by Burck (1934), who used Dionysius to shed light on Livy's early books. For a good example of the effective use of later sources cf. C.B.R. Pelling, *Plutarch: Life of Antony* (Cambridge, 1988), esp. 37-45: he compares Plutarch with Shakespeare *Antony and Cleopatra* in order to illuminate both works.

[160] On Polybius' rationalistic exclusion of religious material see F.W. Walbank, *A Historical Commentary on Polybius* (Oxford, 1957-79), volume 1, 741-2; P. Pédech, *La méthode historique de Polybe* (Paris, 1964), 389-397; F.W. Walbank, *Polybius* (Berkeley &c., 1972), 59-60. The apparent exception is his concept of τύχη, which has been much discussed: see Walbank (1957-79), volume 1, 16-26; Pédech (1964), 331-354; Walbank (1972), 60-65.

[161] De Vreese (1944), 43-90 provides an exhaustive analysis of Livy's standard presentation of the procedure associated with prodigies and expiation.

[162] E. Rawson, "Prodigy Lists and the Use of the *Annales Maximi*", *CQ* 21 (1971), 158-9 doubts the historicity of this feature. She points out that it does not seem to apply in the late Republic, and further suggests that it would have made little sense earlier; she uses this to support her argument that the prodigies have been invented, or at least extensively recast. However, Livy often stresses that this was the normal procedure (e.g. 33.22.6: 'ut adsolet'); even if he is wrong, it suggests that such an idea is at least consonant with the way prodigies would have been seen in his day.

[163] E.g. B.W. Frier, *Libri Annales Pontificum Maximorum: The Origins of the Annalistic Tradition* (Rome, 1979), 270-4.

pattern; for example, the prodigies are described at some other point in the year, or there is a uncharacteristically large or small number of them. For these variations an explanation is required.

Two main explanations are possible. Firstly, these irregularities may be due to Livy's annalistic source for the period: it may be that the source contained these aberrations, and that Livy has just transcribed them. Secondly, it is possible that Livy has introduced the variations himself for his own reasons.

The problem with the first of these is that to explain distinctive features of an author whom one has by reference to an author whom one does not have, and about whom one knows virtually nothing, would not seem to solve the problem, but merely to transfer it a stage back.[164] Such a procedure should only be used if an explanation in terms of Livy's own writing proves impossible. It also relies on the assumption that Livy was drawing on a single annalist in any part of his work, or else that the annalistic writers were completely consistent with one another when dealing with such material. However, the evidence suggests that in general for short annalistic notices Livy would select from the different versions of different writers, which would mean that he had a choice in the matter, and hence that his selection requires explanation.[165] Furthermore, as will be demonstrated, variations in length of prodigy lists often reflect not so much the number of prodigies being described as the style in which Livy narrates them, which is plainly a feature of his own writing rather than of his sources. We should therefore provisionally accept that these variations in the lists are due to Livy himself, and seek to explain them in terms of his narrative strategy.

A study of this sort, moreover, provides a suitable introduction to the analysis of the ways in which Livy treats religion in his work. Because prodigy lists are capable of being varied only within comparatively narrow parameters, it is possible to provide a fairly clear and systematic account of those variations, and to see how they can be related to the narrative as a whole. This can then be used as a basis from which the more complex and

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[164] It is even a matter of controversy as to which annalist Livy is using at any time; see, for example, the various accounts given by W. Soltau, *Livius' Geschichtswerk, seine Komposition und seine Quellen* (Leipzig, 1897), 27-84, U. Kahrstedt, *Die Annalistik von Livius, Bücher 31-45* (Berlin, 1913), A. Klotz, *Livius und seine Vorgänger* (reprinted, Amsterdam, 1964), 1-200, along with the criticism of their approach in J. Briscoe, *A Commentary on Livy Books 31-3* (Oxford, 1973), 3-4. But even were the identity of Livy's sources known, there is no annalist whose work can be reconstructed in sufficient detail to be able to provide an explanation for the features under discussion.

[165] Cf. Luce (1977), 223; for prodigy lists in particular A. Klotz, "Über die Stellung des Cassius Dio unter den Quellen zur Geschichte des zweiten punischen Krieg", *RhM* 85 (1936), 87-90 shows from a comparison with Dio that Livy habitually selects a small number of prodigies from sources that contained quite a lot more.

fluid narrative of other religious events, and especially the large numbers of such events in the First Decade, can be interpreted. I therefore,shall begin my account of religion in Livy with an examination of the later decades, centring on the prodigy lists (which are the most prominent religious events in these decades), though not concentrating solely on them. I shall then seek to apply the results of this analysis to the religious events of the First Decade.

CHAPTER TWO

THE THIRD DECADE

In the first year of the decade, 218, with which almost the whole of Book 21 is taken up, the prodigy list has been displaced not only to the end of the year (21.62), but almost into the following year, as Livy has placed it after the new consuls have been elected at 21.57.4, though before they have taken up office at 22.1.4. As we shall see, this is a device that he uses on only one other occasion in the decade. The effect is to make it appear to have no sets of prodigies in the first year, but two in the second, without actually violating the sources by placing them in the wrong year, as the events of the second year only begin to be described with the consuls taking up office.

But why should Livy desire such an effect? Presumably partly so as to leave the beginning of Book 21 free of prodigies. Uniquely for the decade, he does not begin the year with an account of the initial dispositions of the consuls. This may be because these were described at the end of Book 20, but this seems unlikely, as 21.17 appears to be giving this information for the first time. Instead, he chose to open the decade with Hannibal and the Carthaginians: it is they who dictate the course of the action in the first part of the war. Events at Rome are not mentioned until 21.6, and even then the narrative is completely taken up with the Roman response to the siege of Saguntum. The prodigy lists, which are a wholly Roman affair, and which are generally associated with Roman annalistic material, would be as out of place as the rest of such material.

Why then does Livy not merely postpone the list to 21.17, but actually hold it up until the very last possible moment?[1] The likely answer is that he does so chiefly in order to emphasise the impiety of Flaminius, the consul of 217, by associating it not merely with one, but with two complete sets — not only the second, which it was his responsibility as consul to expiate, but also the first, which, as we have seen, it in fact was not.[2] Thus, the prodigies at 21.62 are immediately followed by an account of Flaminius'

[1] Zonaras 8.22 places similar prodigies directly after the siege of Saguntum, before Hannibal's march into Italy.

[2] See G. Stübler, *Die Religiosität des Livius* (Stuttgart &c., 1941), 104.

doings which lays especial stress on people's criticism of his failure to observe due forms, and especially due religious forms (21.63.6-7):

> non cum senatu modo sed iam cum dis immortalibus C. Flaminium bellum gerere. consulem ante inauspicato factum revocantibus ex ipsa acie dis atque hominibus non paruisse; nunc conscientia spretorum et Capitolium et solemnem votorum nuncupationem fugisse &c.

This passage is significant in several ways. To begin with, it implies that Flaminius is guilty of ignoring these prodigies — Livy does not say so outright, but, in context, it is hard not to associate them with the consul's failure to perform the correct religious rites when entering on his consulship. The connection is made even clearer by the introduction to the prodigies of 217 at 22.1.5-8:

> duos se consules creasse, unum habere; quod enim illi iustum imperium, quod auspicium esse? magistratus id a domo, publicis privatisque penatibus, Latinis feriis actis, sacrificio in monte perfecto, votis rite in Capitolio nuncupatis, secum ferre; nec privatum auspicia sequi nec sine auspiciis profectum in externo ea solo nova atque integra concipere posse. Augebant metum prodigia ex pluribus simul locis nuntiata.

The significant juxtaposition suggests that it is Flaminius' impiety which has actually caused this second set of prodigies.

Moreover, Livy provides an explanation for the first set of prodigies as well, and hence for the forthcoming Roman defeat, by reminding the reader of Flaminius' factionalism,[3] and furthermore of the impiety with which he had been associated in his previous consulship: he had fought against the Gauls despite having received from the Senate news of bad omens refusing to open the letters in question until after the battle.[4] In this context it is perhaps significant that when Flaminius' death comes at 22.6.3-4, it is at the hands of an Insubrian Gaul in revenge for the massacre of his people in the aforementioned battle.[5] Flaminius' earlier impiety is thus not only

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[3] In addition to 21.63.6-7 quoted above, note 21.63.2-4: 'hic in provincia consulatum inire consilium erat memori veterum certaminum cum patribus, quae tribunus plebis et quae postea consul prius de consulatu qui abrogabatur, dein de triumpho habuerat, invisus etiam patribus ob novam legem, quam Q. Claudius tribunus plebis adversus senatum atque uno patrum adiuvante C. Flaminio tulerat ... res per summam contentionem acta invidiam apud nobilitatem suasori legis Flaminio, favorem apud plebem alterumque inde consulatum peperit'.

[4] The story, which presumably appeared in Book 20, is told by Plutarch, *Fabius* 2.3, *Marcellus* 4, and Zonaras 8.20. See also 21.63.12: 'Q. Terentius et M. Antistius profecti nihilo magis eum moverunt quam priore consulatu litterae moverant ab senatu missae'.

[5] Contrast Polybius 3.84.6, where it is merely 'τινὲς τῶν Κελτῶν'.

implicitly related to his death, but is an indirect cause of it, and consequently of the defeat — 22.6.5 shows that the Romans are routed once they no longer have the consul to rally them ('magnae partis fuga inde primum coepit').

The implication is that, by electing such a man as consul, the Romans have laid themselves open to divine retribution, and his behaviour here simply compounds and reinforces this: by failing to expiate the prodigies, he loses his chance to avert the disaster that they threaten. The further omen at 21.63.13-14, where the victim escapes as Flaminius is sacrificing, confirms what is to come.

The length of the prodigy lists at 21.62 and 22.1.8-20 should also be noted. Both are significantly longer than most of the lists that we find later, at least if the extensive narratives of the expiations are included. This, too, is clearly to intensify their importance, and thus stress once again the improper conduct of Flaminius. These are, moreover, the first prodigies of the war, and Livy may well have had it in the back of his mind to make it seem as if something had happened dreadful enough to require exceptional expiation. The great crisis in the state is matched by abnormalities in the divine order, which in turn need to be met with great efforts at expiation; these efforts are taken, as is described at some length at 21.62.6-11 and 22.1.14-20, by all save the consul.[6]

All of this culminates with the omens before Trasimene, where Flaminius is about to march into the trap that Hannibal has set (22.3.11-14):

> cum ocius signa convelli iuberet et ipse in equum insiluisset, equus repente corruit consulemque lapsum super caput effudit. territis omnibus qui circa erant velut foedo omine incipiendae rei, insuper nuntiatur signum omni vi moliente signifero convelli nequire. conversus ad nuntium 'num litteras quoque' inquit 'ab senatu adfers quae me rem gerere vetant? abi, nuntia, effodiant signum, si ad convellendum manus prae metu obtorpuerit'. incedere inde agmen coepit primoribus, superquamque quod dissenserant ab consilio, territis etiam duplici prodigio.

This can be compared with its likely source, Coelius Antipater fr.20P (from Cicero, *Div.* 1.77):

> exercitu lustrato cum Arretium versus castra movisset et contra Hannibalem legiones duceret, et ipse et equus eius ante signum Iovis Statoris sine causa repente concidit, nec eam rem habuit religioni, obiecto signo, ut peritis videbatur, ne commiteret proelium ... signa convelli et se sequi iussit. quo tempore cum signifer primi astati signum non posset movere loco nec quicquam

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[6] Note in particular 21.62.6: 'et subinde aliis procurandis prope tota civitas operata fuit'.

> proficeretur, plures cum accederent, Flaminius re nuntiata suo more neglexit. itaque tribus iis horis concisus exercitus atque ipse interfectus est.

And between these two omens in Coelius is a third, in which the sacred chickens go off their food before the battle.

At first sight it might appear that Livy is rather less interested than was Coelius in emphasising the omens, and so lays less stress on Flaminius' impiety in ignoring them. He omits the omen of the chickens altogether;[7] and when Flaminius' horse stumbles, it is neither explicitly said to be 'sine causa', nor is it in front of the statue of Jupiter Stator. The omen in Livy has less of a miraculous cast.[8] Against this, however, is that the final omen is given far more stress in Livy than in Coelius, at least as Cicero reports him. It is referred to as a 'prodigium'; and Flaminius' answer to the messenger reminds us once again of his earlier impiety (above, 39-40), and so connects this omen with the two prodigy lists just before. One can therefore hardly conclude that Livy's aim was to play down indications of either the supernatural or Flaminius' impiety.

The distinctive features of Livy's account may be explained far more plausibly if one examines the story in the context of its setting. In Livy the whole episode takes place directly before the Romans march from their camp; and he handles the omens accordingly. The forms that they take make them manifestly the gods' last warning to Flaminius: they both are things that should physically prevent one marching, unless one were perversely determined to do so. This is not true of the omen of the chickens, nor of the fall of the horse in Coelius, which appears to take place in the course of Flaminius' march, and not as he attempts to set out for battle. But omens of this sort were familiar to the Romans;[9] Livy thus creates a suitable and recognisable culmination for his sequence of supernatural events, and one focussed closely on the battle that is shortly to follow.

We can see two further reasons for the omission of the omen of the chickens. The immediacy of Livy's setting makes his story much more dramatic than is Coelius', and this would be damaged if he allowed the story to become too diffuse, with too many different episodes: he tends to prefer

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[7] Livy also has no mention of the omen at Florus 1.22.14, of bees settling on the standards, but it may be that Florus or his source has transferred here the similar omen at the Ticinus (Livy 21.46.1).

[8] Cf. W. Herrmann, *Die Historien des Coelius Antipater* (Meisenheim, 1979), 115.

[9] Compare, for example, the Wooden Horse halting with a crash four times while being dragged into Troy (Virgil, *Aen.* 2.242-3), or the ill-luck attendant on a bridegroom stumbling as he carries his bride over the threshold (Catullus 61.159-61).

a more concentrated narrative.[10] There may perhaps also be a fear of excessive duplication: a similar omen appears before Cannae later in the book (22.42.8-9), which Varro and Paulus, unlike their predecessor, successfully, if temporarily, avert.

One final indication of the significance of religion for Livy here comes in the battle itself, at 22.5.2, where Flaminius says: 'nec enim inde votis aut imploratione deum sed vi ac virtute evadendum esse'. This may be seen as a final indication of his impiety — to make a vow or a prayer in a battle is, as we shall often have occasion to observe, typical of the pious Roman in Livy. At every stage, Flaminius' irreligiosity is demonstrated, and reinforces the impression that the sequence of supernatural events, and his neglect of them, have culminated in Roman disaster.[11]

The failure by Flaminius to perform the expiations leads to them having to be carried out later, by Fabius at 22.9.7-10.10. This passage brings to a close the progression of impiety that reaches its climax in the defeat at Trasimene. The connection is brought out by Fabius at 22.9.7:

> plus neglegentia caerimoniarum quam temeritate atque inscitia peccatum a C. Flaminio consule esse quaeque piacula irae deum essent ipsos deos consulendos esse.

This introduces the expiation, an expiation which is, at least by implication, the correct one. It is, consequently, no accident that the whole of Fabius' dictatorship, in stark contrast to Flaminius' consulship, is free from all forms of supernatural event, since it has been inaugurated in such a religiously punctilious manner, and, correspondingly, the Romans are relatively successful in battle.[12] Significantly, the account of Trasimene has ended with a reminder of Hannibal's impiety 'quae Punica religione servata fides ab Hannibale est' (22.6.12): Livy prepares the way for the piety of Fabius, that will lead to Roman success.

It is interesting to contrast Livy's treatment here with that of Plutarch, *Fabius* 2-4. Plutarch has prodigies before Trasimene (*Fabius* 2.2), yet Fabius, like Flaminius, takes little account of them (*Fabius* 2.3), since he regards this as the rational position. Accordingly, the expiation that he

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[10] K. Witte, "Über die Form der Darstellung in Livius Geschichtswerk", *RhM* 65 (1910), 359-79.

[11] In general, see H. Bruckmann, *Die römischen Niederlagen im Geschichtswerk des Livius* (dissertation, Munster, 1936), 65-70 on the way Livy uses Flaminius' impiety to excuse the defeat.

[12] On the new start in religion made by Fabius see W. Hoffmann, *Livius und der Zweite Punische Krieg* (Berlin, 1942), 30-1, 37-8; E. Burck, *Einführung in die Dritte Dekade des Livius* (2nd ed., Heidelberg, 1962), 84-7.

performs on becoming dictator is, Plutarch makes clear, in order to encourage the people and dispel fear of Hannibal by showing that the disaster was not their fault, and that the gods would henceforth be on their side (*Fabius* 4.4). He himself, however, forms his policy 'πάσας θέμενος ἐν αὐτῷ τὰς τῆς νίκης ἐλπίδας' (*Fabius* 5.1). Thus in Plutarch the contrast between Fabius and Flaminius centres on the good sense of the one and the rashness of the other, and, unlike in Livy, the influence of the gods is played down.[13]

The remainder of this passage also contains certain points of interest. The expiatory procedure is recounted in unusual length and detail, even surpassing those of 21.62 and 22.1. In particular, we find the formula set out whereby the pontifex maximus consults the people about the *ver sacrum* (22.10.2-6),[14] all in antique formulaic language. The impression is given of great meticulousness and attention to detail, such as would be required to placate divinities which had been severely offended: the fact that the expiation of 22.1.15-20, despite also being described in some detail, was unsuccessful, necessitates that even more attention be lavished on it now. The idea that exceptional measures are being taken to meet an exceptional situation is reinforced by the phrase with which it is described how it is decreed that the decemvirs must look in the Sibylline Books: 'quod non ferme decernitur *nisi cum taetra prodigia nuntiata sunt*' (22.9.8).

An additional consideration is that, after the book's first major climax at Trasimene, this lengthy use of formal and archaic language helps lower the emotional and dramatic temperature by imparting a ritualistic and therefore rather impersonal atmosphere to the scene. It should be added, however, that such ritual language also has an emotional flavour of its own, being associated with traditional Roman institutions, and as such being appropriate for the new start that the Romans are making after Trasimene.[15]

The argument so far has shown a strong link between religious matters in general, and the prodigy lists in particular, and the defeat at Trasimene. However, Books 21 and 22 are generally marked by Carthaginian success, and contain no fewer than three other major Carthaginian victories: these too might be thought to require some sort of explanation in terms of piety and impiety. There is no other point at which such an explanation is as clear as

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[13] Plutarch's object may be in part to bring out parallels with Pericles, whose rationalism is described at *Pericles* 6, 35.2, 38.2; see P.A. Stadter, "Plutarch's Comparison of Pericles and Fabius Maximus", *GRBS* 16 (1975), 77-85, esp. 81.

[14] On the significance of the *ver sacrum* here see J. Heurgon, "Le *ver sacrum* romain de 217", *Latomus* 15 (1956), 137-58.

[15] See Burck (1962), 84-5. For the emotional effect of such formulaic language see A.H. McDonald, "The Style of Livy", *JRS* 47 (1957), 156-7; J.P. Packard *Official Notices in Livy's Fourth Decade: Style and Treatment* (unpublished dissertation, Chapel Hill, 1969), 207.

at Trasimene, but we can see a considerable interest in religious events earlier in Book 21 as well. To begin with, Livy is clearly taking care to stress the impiety of Hannibal's attack on Saguntum contrary to the treaties with the Romans; it is condemned in religious terms by Hanno at 21.10[16] and by Scipio at 21.40.11, while at 21.19.1-5 Livy discusses in his own voice the terms of the treaties in some detail, in order to make the Carthaginian guilt absolutely clear.[17] We may contrast Polybius 3.27-30: he too regards the Carthaginians as having breached the treaty, but sees their attack as justified by the Roman capture of Sardinia, which he regards as the chief cause of the war (3.10.4); he does not treat the broken treaty in religious terms.

Indeed, Livy shows this impiety over Saguntum as typical of Hannibal's behaviour — see the description of his vices at 21.4.9: 'inhumana crudelitas, perfidia plus quam Punica, nihil veri, nihil sancti, nullus deum metus, nullum ius iurandum, nulla religio'. In fact Hannibal, as will be discussed further below, does sometimes act piously, and it will be argued that this out-of-character behaviour helps explain his victories in the first years of the war. But Livy sets out his *essential* impiety from the start, and so foreshadows Saguntum, indicates the temporary nature of his victories, and looks forward to his eventual defeat.[18] So too around Zama Livy provides various suggestions that this final defeat is indeed divine punishment for the Carthaginians' initial crime against the gods over Saguntum: this idea is put into the mouth of Scipio before the battle[19] and into the mouths of Hasdrubal and the Roman senate after it.[20] Livy also uses religion to point to the ultimate Roman victory at 21.29.4, where, of the victory of the Romans over Hannibal's Nubian scouts it is said: 'principium simul omenque belli ut

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[16] See in particular 21.10.5: 'Saguntum vestri circumsedent exercitus unde arcentur foedere; mox Carthaginem circumsedebunt Romanae legiones ducibus iisdem dis per quos priore bello rupta foedera sunt ulti'.

[17] For an examination of the terms, and in particular whether the attack on Saguntum was actually contrary to them, see F.W. Walbank, *A Historical Commentary on Polybius* (Oxford, 1957-79), volume 1, 168-72; more recent discussions include A.E. Astin, "Saguntum and the Origins of the Second Punic War", *Latomus* 26 (1967), 577-96; H.H. Schmitt, *Die Staatsverträge des Altertums*, volume 3 (Munich, 1969), 205-7.

[18] See Hoffmann (1942), 23.

[19] 30.31.4-5: 'nunc Sagunti excidium nobis pia et iusta induerunt arma. vos lacessisse et tu ipse fateris et di testes sunt qui et illius belli exitum secundum ius fasque dederunt et huius dant et dabunt'. Compare Polybius 15.8.2, 15.17.3, and see Hoffmann (1942), 100. This is especially significant in view of the fact that this speech parallels that of Scipio's father in Book 21 — see Burck (1962), 50; "Einzelinterpretation von Reden", in *Wege zu Livius*, ed. E. Burck (Darmstadt, 1966), 440.

[20] 30.42.20-1: 'senatorum unum infestum perfidiae Carthaginiensum succlamasse ferunt per quos deos foedus icturi essent per quos ante ictum esset fefellissent. "per eosdem", inquit Hasdrubal "quoniam tam infesti sunt foedera violantibus"'.

summae rerum prosperum eventum, ita haud sane incruentam ancipitisque certaminis victoriam Romanis portendit'.[21]

But why, given Hannibal's impiety, should he win at all? Livy gives an answer in religious terms, by pointing to a temporary piety on his part. At 21.21.9, before setting out on his campaign 'Gades profectus Herculi vota exsolvit novisque se obligat votis, si in cetera prospera evenisset'. Here, for the first time, we see Hannibal behaving properly towards the gods; Livy has not previously mentioned any vow on his part, but now, with his successes against Rome close at hand, he shows him fulfilling such a vow and making new ones.

Shortly after this Hannibal is given a vision that appears to promise precisely the success he has prayed for (21.22.6-9):

> fama est in quiete visum ab eo iuvenem divina specie qui se ab Iove diceret ducem in Italiam Hannibali missum; proinde sequeretur neque usquam a se deflecteret oculos. pavidum primo, nusquam circumspicientem aut respicientem, secutum; deinde cura ingenii humani cum, quidnam id esset quod respicere vetitus esset, agitaret animo, temperare oculis nequivisse; tum vidisse post sese serpentem mira magnitudine cum ingenti arborum ac virgultorum strage ferri ac post insequi cum fragore caeli nimbum. tum quae moles ea quidve prodigii esset quaerentem, audisse vastitatem Italiae esse; pergeret porro ire nec ultra inquireret sineretque fata in occulto esse.

This, once again, can be compared with its source in Coelius Antipater fr.10P (from Cicero, *Div.* 1.49):

> Hannibalem, cum cepisset Saguntum, visum esse in somnis a Iove in deorum concilium vocari; quo cum venisset, Iovem imperavisse, ut Italiae bellum inferret, ducemque ei unum e concilio datum, quo illum utentem cum exercitu progredi coepisse.

The remainder of the story is as in Livy.

Why has Livy omitted this opening section of Coelius' story? Part of the reason, once again, may be to tighten it up by making it less episodic;[22] but there is a more significant point. In Coelius it appears that the invasion is not yet planned, and that Jupiter is the initiator of it. In Livy, on the other

[21] Livy also foreshadows the ultimate defeat in non-religious ways — note, for example, the reference to Scipio Africanus at 21.46.8: 'hic erit iuvenis penes quem perfecti huiusce belli laus est, Africanus ob egregiam victoriam de Hannibale Poenisque appellatus'. See Burck (1962), 25-6; "The Third Decade", in *Livy*, ed. T.A. Dorey (London &c., 1971), 25-6. Contrast Polybius, who tells this story not in its chronological position, but at 10.3.4-6.

[22] Witte (1910), 359-79.

hand, Hannibal has already determined on his invasion at the point when he receives his dream, and his divine guide simply promises him aid in it. The distinction is vital: for Livy, Hannibal's war is fundamentally an impious one, and he cannot show it as divinely *ordained*, but divine *support* in his enterprise fits with both his recent piety and his forthcoming victories.

The precise meaning of the dream has occasioned some controversy. Stübler argues that it is false, and sees Hannibal's joy at it as a 'Verblendung', like that of Achilles in Iliad 9.[23] On this view, Hannibal is destroyed by fate — Stübler makes great play with the words 'pergeret porro ire nec ultra inquireret sineretque fata in occulto esse'.

However, nothing in the dream as Livy tells it is untrue: the 'vastitatem Italiae' does take place, and Hannibal is given no promise of ultimate victory. We have no reason to think either that any further promise is implied, or that Livy intends us to think that Hannibal took it that such a promise was made: his joy is understandable in view of the fact that a successful crossing into Italy is promised at such an early stage of his campaign. Stübler is importing a quite alien idea into the narrative: that Livy's gods are like the gods of Greek tragedy or the *Iliad*, who punish *hybris* by leading the perpetrator to overstretch himself and fall. Such an interpretation runs completely counter to other manifestations of the divine in Livy — nowhere else do prodigies and prophecies fail to indicate the gods' true attitudes. This is not to say that it is impossible that Livy could have introduced such a concept, but had he done so, he would have had to make it far clearer. Possibly the original story, which, according to Cicero, *Div*. 1.49, came from the Greek historian Silenus, may have had some such intention, but by the time it has been filtered through two non-Greeks in Coelius and Livy, very little of this original significance remains — certainly not so much that any Roman reader could be expected to recognise it.

A similar objection may be raised against Herrmann's idea that, in Coelius at any rate, we are to see Hannibal's ultimate defeat as his punishment for looking back against the command of his guide.[24] The original story may indeed have had this significance; but no such dimension is apparent in either Coelius or Livy. Certainly in the context of Livy's consistent condemnation of the impiety of Hannibal's war, any divine promise of ultimate victory for Hannibal, even if only a conditional one, would appear very strange; and, as has been said, no such promise is given or assumed.

What, then, is the significance of this episode as it appears in Livy? As I have suggested, it is best associated with Hannibal's recent temporary

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[23] Stübler (1941), 95-6.
[24] Herrmann (1979), 79-80.

piety, and provides a sense of his destiny as the destroyer of Italy, a destiny against which the Romans must fight at least initially in vain. The dream, however, leaves the ultimate extent of his victory open; and in this there may be a certain irony, in that the reader, knowing the end of the story, is intended to see the truth of the dream, but also that it is only a partial truth.[25] In the final analysis, divine support for Rome has been determined by Carthage's fundamental guilt.

We may see a further hint of a reason for Hannibal's temporary success in the events before the battle of the Ticinus (21.45.4-46.2). In his speech to his troops he makes various promises of land, money, citizenship and freedom, and rather theatrically guarantees his promise by taking an oath over a public sacrifice. By contrast, the Romans immediately afterwards receive bad omens: a wolf enters the camp, and a swarm of bees settles over the commander's tent. The connection of these episodes with one another and of both with the subsequent defeat is not brought out directly, but the juxtaposition is striking enough: Hannibal is obtaining the favour of the gods and hence achieving victory.[26]

When it comes to Cannae, however, the position is rather different. As with Flaminius, we find indications with Varro, the Roman commander, that the defeat comes as a result of his recklessness and factionalism.[27] These are stressed when he is introduced at 22.25.18-26.4,[28] during the conflict between Fabius and Minucius; they appear even more strongly during the account of the election at 22.34[29] and during the preparation for battle at 22.38.6-7, which is followed by a speech of Fabius at 22.39, in which he prophesies that these defects in Varro will lead to disaster.[30] Finally, the

[25] M. Fuhrmann, "Narrative Techniken im Dienste der Geschichtsschreibung (Livius, Buch 21-2)", in *Livius, Werk und Rezeption, Festschrift für E. Burck*, ed. E. Lefèvre and E. Olshausen (Munich, 1983), 24.

[26] Stübler (1941), 98 notes the connection between the two sets of events, but the conclusions he draws are, as with Hannibal's dream, coloured by his belief that Livy could not be presenting Hannibal as being genuinely favoured by the gods.

[27] Contrast Polybius, who only has Varro disputing with Paullus 'διὰ τὴν ἀπειρίαν' (3.110.3).

[28] See in particular 22.26.2: 'proclamando pro sordidis hominibus causisque adversus rem et famam bonorum'.

[29] E.g. at 22.34.2: 'C. Terentio Varroni ... plebi insectatione principum popularibusque artibus conciliatum'.

[30] E.g. 22.39.8: 'atque si hic, quod facturum se denuntiat, extemplo pugnaverit, aut ego rem militarem, belli hoc genus, hostem hunc ignoro, aut nobilior alius Trasumenno locus nostris cladibus erit'.

battle itself is a result of Varro's ignoring the sound advice of his colleague Paullus, and leading the army out to face Hannibal.[31]

None of this, however, is seen in religious terms. Varro's factionalism and recklessness lead to defeat, but they do so in a purely human way, and there is little indication of the influence of the divine.[32] There is a prodigy list for the year 216, at 22.36.7-8, but compared with those earlier is significant for precisely the opposite reason: just as they were unusually long, so is this remarkably short. We may contrast Polybius, for whom the eve of Cannae is one of the few places in his work where he mentions prodigies at all (3.112.8-9). They are described, it is true, in a highly dismissive manner, and hence do not so much indicate the divine as provide a conventional motif of panic and psychological disturbance before a major battle; nevertheless, if even the sceptical Polybius felt it appropriate to include such material at this point, it seems odd that Livy, who is generally much more interested in religious matters, makes so little of it.

There are bad auspices before the battle, at 22.42.8-9, as was mentioned above (42), but they are successfully averted by Paullus and Varro, who abandon their planned attack; indeed, it is even implied that they are associated with at least temporary divine favour, as the commanders immediately afterwards receive information that they were about to march into a trap (22.42.10-12), at which Livy says 'di prope ipsi eo die magis distulere quam prohibuere imminentem pestem Romanis' (22.42.10).[33] Moreover, Livy has no mention of the story found in Valerius Maximus 1.1.16, that the defeat at Cannae was seen as divine punishment for an act of impiety by Varro during his aedileship.

Indeed, the only other omen in the vicinity of Cannae is an unequivocally positive one: the presentation of a statue of Victory to the Romans by Hiero of Syracuse at 22.37.5 'ominis causa', which the Romans place on the Capitol at 22.37.12:

> Victoriam omenque accipere sedemque ei divae dare dicare Capitolium, templum Iovis optimi maximi, in ea arce urbis Romanae sacratam volentem propitiamque, firmam ac stabilem fore populo Romano.

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[31] 22.45.5. See in general Bruckmann (1936), 71-83. On Livy's characterisation of Varro see G. Vallet, "Caius Terentius Varron ou l'expression d'une antipathie chez Tite-Live", in *Hommages à Jean Bayet*, ed. M. Renard and R. Schilling (Brussels-Berchem, 1964), 707-17.

[32] The relative lack of adverse supernatural material around Cannae is overlooked by Stübler (1941), 117-9.

[33] It is worth noting that this phrase also carries overtones that the defeat was inexorable — compare the phrase 'urgente fato' as the Romans arrive at Cannae (22.43.9). The defeat is not due to impiety or the anger of the gods, as much as to an inevitable chain of events; see Bruckmann (1936), 80 and 33 above. This idea, however, is only hinted at, and does not substantially affect the point that Cannae is seen essentially in human terms.

This positive omen occurs shortly after the prodigy list, and so even in a sense may be seen as negating it. This may be taken as another example of Livy's stressing the temporary nature of Hannibal's success — we may note how Scipio Africanus is re-introduced in the aftermath of Cannae, is described as 'fatalis dux huiusce belli' (22.53.6), and makes the significant vow never to desert his country (22.53.10-11).[34] However, this is not sufficient to explain the playing down of the prodigy list, or the unusually positive treatment of the bad auspices before the battle.

Certainly, the Romans may be envisaged as more pious as the result of Fabius' dictatorship earlier in the book. We may observe, for example, 22.33.7-8, where they act to fulfil a vow of a temple that had been made two years before. Still more significantly, while Varro is said by Fabius at 22.39.6 to be even worse than Flaminius, despite being reluctant to accept the auspices before the battle he is led into *religio* by his predecessor's example.[35] But this hardly seems a sufficient explanation: after all, why should the newly pious Romans suffer such a disastrous defeat? Anyway, the Romans have not entirely reformed: the factionalism of Varro can itself be seen as a form of impiety (above, 7-8). More likely is that Livy is playing down the role of the supernatural in the battle in order to emphasise the part played by the military genius of Hannibal, a genius which he is magnifying in order to magnify the ultimate Roman victory. More generally, however, this is the first example of a phenomenon which we shall often have occasion to notice: that, although Livy often shows the supernatural at work in his narrative, when it comes to the central battles of his history, he prefers to play it down, and to attribute defeat and victory to human factors alone.

One episode that might be held to provide a sense of the influence on the supernatural on Cannae comes well after it, at 22.57.2-6, where Livy recounts various expiatory acts that the Romans performed consequent upon various prodigies, of which the only one named is the unchastity of two Vestals, which was said to be 'in prodigium versum'. This seems to suggest a certain divine anger, which the Romans are keen to expiate — but it is striking that, although it is clearly related to the battle, Livy has postponed it, so that when we read the account of the battle, we still see it in essentially human terms.

Moreover, the emphasis in this passage is less on the supernatural than on the psychological. Unlike after Trasimene, where the meticulous attention paid to religious formalities provided a certain relaxation of the tension, the

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[34] Burck (1962), 27-30.

[35] 22.42.9: 'quod quamquam Varro aegre est passus, Flamini tamen recens casus Claudique consulis primo Punico bello memorata navalis clades religionem animo incussit'.

expiation here is imbued with an unusual degree of violence and bloodshed, reflecting above all the continuing panic at Rome. We may contrast Plutarch, *Fabius* 18.3, who wishes to associate the expiation with the wise policy of Fabius, and who therefore removes the most violent episodes;[36] likewise Appian, *Hann.* 27 speaks only of prayers and sacrifices in fairly general terms. In Livy an unchaste Vestal is buried alive, another commits suicide to avoid the same penalty, while the latter's lover is flogged to death (22.57.2-3). Moreover, in the aftermath of this four human victims are sacrificed,[37] an act which Livy describes as 'minime Romano sacro' (22.57.6).[38] What he is above all showing here is the lengths to which the terrified citizens are prepared to go with their 'sacrificia ... extraordinaria' (22.57.6),[39] and the specifically religious character of the action is of secondary importance, although it is far from absent, as we may see above all from 22.57.4-5:

> hoc nefas cum inter tot, ut fit, clades in prodigium versum esset, decemviri libros adire iussi sunt et Q. Fabius Pictor Delphos ad oraculum missus est sciscitatum quibus precibus suppliciisque deos possent placare et quaenam futura finis tantis cladibus foret.

Pictor's mission receives its answer at 23.11.1-6, and marks an important turning point in Roman fortunes. Taken as a whole, Books 21-2 present a gloomy picture, both on the human and the divine level, of Rome's prospects. In Book 23, however, the tide begins to turn on the human level, and this is matched in the divine world. Pictor was sent to obtain this oracle in the immediate aftermath of Cannae: Cannae was the lowest point that the Romans reached in the war, and the change for the better is almost instantly

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[36] Cf. F.E. Brenk, *In Mist Apparelled: Religious Themes in Plutarch's Moralia and Lives* (Leiden, 1977), 238-9.

[37] For an examination of this episode see C. Bémont, "Les enterrés vivants du Forum Boarium: essai d'interpretation", *MEFRA* 72 (1960), 133-46.

[38] The passage in full is as follows: 'Gallus et Galla, Graecus et Graeca in foro bovario sub terram vivi demissi sunt in locum saxo consaeptum, iam ante hostiis humanis, minime Romano sacro, imbutum'. This is usually taken to express Livy's condemnation of the sacrifice after Cannae; see e.g. G. Wissowa, *Religion und Kultus der Römer* (2nd ed., Munich, 1912), 420. P. Fabre, "'Minime Romano sacro': note sur un passage de Tite-Live et les sacrifices humains dans la religion romain", *REA* 42 (1940), 419-24, argues that the phrase is only to be taken with 'imbutum', referring to the shedding of blood, and not to the interring of live victims. This is certainly the most natural reading of the grammar of the sentence, but even so, the words 'iam ante' imply that the current sacrifice is a further example of the 'minime Romanum sacrum' of earlier days.

[39] For hints of the same idea of excess after Cannae, compare the refusal to ransom the Roman prisoners, on the advice of Torquatus, 'nimis durae, ut plerisque videbatur, severitatis' (22.60.5).

set in preparation, to be brought here to fruition, with an absolute promise from the oracle that, if certain conditions are met, the Romans will gain the victory; Pictor and the Senate at once act to fulfil the required conditions. The arrival of the prophecy, moreover, apart from reassuring the Romans in the story, reminds the reader that the long-term safety of the state is guaranteed, and indicates to him that the first steps have been taken on the road to ultimate victory.[40]

The only set of prodigies in this book are those for 215, at 23.31.15. Even more than those at 22.36, they are remarkable for their brevity, which is unparalleled in the decade:

> mare arsit eo anno; ad Sinuessam bos eculeum peperit; signa Lanuvi ad Iunonis Sospitae cruore manavere lapidibusque circa id templum pluit ob quem imbrem novendiale, ut adsolet, sacrum fuit; cetera prodigia cum cura expiata.

Not only are no more than a couple of lines given, but even these are far balder and terser in style than is usual in Livy, even for such lists as these — the passage is unusually brisk and matter-of-fact. The impression that one gets is that Livy is being rather off-hand — wanting to list them, but disdaining to go beyond the bare fact.

Why? The immediate context is the consular election, in which Marcellus was initially elected, but then the augurs claimed that a clap of thunder heard signified that the election was faulty; the senate spread it around that the fault was that two plebeians had been elected. Marcellus resigned, and Fabius Maximus became consul in his place.[41] To the cynical eye of the modern reader, this whole episode looks very much like a piece of political manipulation by the partisans of Fabius, himself an augur (30.26.7), especially as this is not the only time that he is elected in highly questionable circumstances.[42] While Livy does not overtly treat it in such a manner, he must have been aware of the unfavourable interpretation that was capable of being placed on it, particularly since his own words suggest some sort of conspiracy: '*volgoque patres ita fama ferebant*, quod tum primum duo plebeii consules facti essent, id deis cordi non esse' (23.31.13). He might well feel that a prodigy list in anything but a bare and factual style, coming on the heels of such a dubious election, would look rather as if the

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[40] We should also observe that it is immediately followed by a speech of Hanno which is extremely sceptical about the Carthaginian success (23.12.6-13.5). See Hoffmann (1942), 47-8; Burck (1962), 30-2.

[41] 23.31.13-14.

[42] See 24.8-9, where Fabius prevents the election of M. Aemilius Regillus and T. Otacilius, on the grounds that the former is *flamen* and the latter inexperienced; he is himself elected instead. See H.H. Scullard, *Roman Politics 220-150 B.C.* (Oxford, 1951), 57-9.

gods were making their displeasure at it known. Yet it would hardly suit Livy's view of Fabius' character to show him as impious; on the contrary, he has just, at 23.30.13-14 and 23.31.13, reminded the reader of Fabius' earlier dictatorship and his piety during it, with the account of his dedicating the temple to Venus of Eryx, which he had vowed at 22.10.6. Similarly, when Fabius receives a set of bad auspices at 23.36.9-10, the emphasis is less on the gods' disfavour than on his meticulous piety in refusing to move until they come right, as they finally do at 23.39.5.

This is surely one factor influencing Livy in his treatment of this prodigy list: it cannot, however, be the only one, as he could presumably have postponed the list. A more general motive may be seen in his treatment of Book 23 as a whole. As was said above, the book shows the Romans recovering after Cannae, and climaxes at 23.44-46, where Marcellus at Nola inflicts on Hannibal his first defeat. The overall context of the book is therefore optimistic; Livy has even omitted Hannibal's victory against M. Junius Pera that is found in Frontinus, *Strat.* 2.5.25 and Zonaras 9.3. Thus the prodigies are attenuated as far as possible, in order not to conflict with this by pointing to disaster for Rome.

So far we have seen that the first four prodigy lists of the decade have been altered by Livy so as to fit with the other religious material in the vicinity — all of them have exceptional qualities that can best be explained in terms of Livy's aims in his general treatment of religion in the Second Punic War. It has also been shown how this religious material itself relates to the wider purposes of Livy's narrative. When we come to the two sets of prodigies in Book 24, however — the set for 214 at 24.10.6-13 and that for 213 at 24.44.7-8 — it is not possible to make such deductions. Both contain nothing out of the ordinary in style, position and content; the second is shorter than the average for the decade, but this may be sufficiently explained by its appearing close to the end of the book, with little happening after it that would justify its being any longer: a lengthy list would be out of proportion.

In Book 25, on the other hand, the position is rather different. It covers what is from the Roman point of view perhaps the most disastrous period in the war apart from that of Trasimene and Cannae. It begins with the account of how numbers of Romans suddenly abandoned the state cult for foreign rites, and how these spread until the Senate took measures to outlaw them (25.1.6-12). Then later in the book Hannibal captures Tarentum (25.7.10-11.20), Cn. Fulvius is defeated in Apulia (25.21), and moreover no fewer than three other generals are killed and their armies defeated — Gracchus at 25.16-17, and the Scipio brothers at 25.34-6 — although these setbacks are in some measure compensated for by the Roman successes with the capture of Syracuse at 25.23-31, and the victory of L. Marcius at 25.39.

In such a book, it is surprising that the only prodigy list, at 25.7.7-9, is not only short, but also is rather terse. The book seems to be pointing to a connection between the Roman impiety and the Roman defeats, yet were that so we might expect the supernatural to reinforce this: but the prodigy list seems too short for us to be able to see such a connection at work.

Possibly the victories cancel out the defeats, and we are intended to see the book as a whole as a success for the Romans, an impression which adverse prodigies would undermine. The problem with this argument is that one is not in fact left with such an impression: at the very least, the war is in the balance,[43] and it would be perfectly in accordance with Livy's practice elsewhere to have reflected this in the prodigy list. More probable is that this tension in matters supernatural is expressed at 25.12, the lengthy account of the prophecies of Marcius, the first of which is laden with doom, referring in particular back to the defeat at Cannae, while the second is more optimistic, promising ultimate Roman victory if they vow games to Apollo. They thus reflect the balance of victory and defeat in this book.[44] To have preceded this with a long string of prodigies would have created an unnecessary duplication, and, indeed, would simply have overloaded the section with religious affairs and religious procedures. Livy therefore cuts down the prodigies to a minimum, and concentrates his attention on the prophecies, which are capable of serving the same dramatic purpose, and are, moreover, interesting in themselves, as they provide an aetiology for the Ludi Apollinares.

The irreligiosity described at the beginning of the book should also be considered here. The pervasiveness of the new cults is described at some length, and is attributed to the difficulties of the war, which both made people psychologically receptive (25.1.6) and increased the numbers who might be exploited by false prophets, as peasants were forced off their land and came to the city (25.1.8). This general impiety sets part of the tone for the rest of the book: the connection is brought out directly by Livy with the Marcian prophecies, which are discovered in the course of the praetor's licensing of prophetic books, as decreed by the Senate (25.12.3; cf. 25.1.12). The first prophecy, as said above, was highly pessimistic, which is reinforced by the reminder of Rome's recent abandoning of the state cult: a sense is given that disaster is at hand, and we are kept aware of aspects of the Roman behaviour that might appear to justify the gods' anger. And

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[43] Burck (1962), 37: 'Beide Parteien stehen in dem ähnlichen Kräftverhältnis gegenüber, mit dem sie in den Krieg eingetreten waren. Das Ringen muß — genau in der Mitte der Dekade — noch einmal beginnen'.

[44] Hoffmann (1942), 62 suggests that the Marcian prophecies contrast Rome's past defeat with her future victories; but he does not see their implications within Book 25 as a whole.

indeed, shortly after this comes the first disaster suffered by Rome: the death of Gracchus at 25.16-17. The proximity of this story to the Marcian prophecies is significant; while it is true that the second prophecy is optimistic, it does not override the forebodings of disaster, since it promises ultimate rather than rapid victory, and as such may be compared to the other pointers to victory that have been received in the course of this pentad.

Moreover, Gracchus' death is itself heralded by omens (25.16.1-4) — two snakes that three times appear and eat the victim's liver while Gracchus is sacrificing; the soothsayers warn him of treachery, but he nevertheless trusts the treacherous Lucanian Flavus and is led by him into Hannibal's trap. Livy, however, also cites an alternative version, according to which he is killed while away from the camp attempting to expiate the omens.[45] Unlike Valerius Maximus 1.6.8, who makes it clear that Gracchus could have avoided his death had he taken the warning of the omens to heart, Livy is especially keen to stress the inevitability of the doom that these omens promise: he says of them 'nulla tamen providentia fatum imminens moveri potuit' (25.16.4). This side of his story is brought out especially by the alternative version that he quotes, which, uniquely for his work, recalls various Greek legends, most notably that of Oedipus, in which it is the attempt of the hero to escape the doom that has been prophesied that leads to that doom's fulfilment. The fact that this story treats the supernatural in this uncharacteristic fashion may explain why he includes it only as an alternative,[46] but the fact that he includes it at all is still significant. The supernatural earlier in the book has been relatively ambiguous: but now Livy foreshadows Gracchus' death and links it to the divine as strongly as possible.

The fall of Syracuse has further religious implications. This is, as has been said, one of the Roman successes of the book; let us look at it in the context of the Syracusans' earlier behaviour. At the beginning of Book 24 Hieronymus breaks with Rome (24.6), and even after his murder the Syracusans continue to reject the treaty (24.21.1). So far it is possible to sympathise with them to a certain extent, but from here on Livy systematic-

[45] 25.17.3: 'sunt qui haruspicum monitu quingentos passus a castris progressum, uti loco puro ea quae ante dicta prodigia sunt procuraret, ab insidentibus forte locum duabus turmis Numidarum circumventum scribant'.

[46] Though he presumably also had positive reasons for including the story of Flavus, which allows him to have a dramatic scene in which Gracchus, with his entourage killed, and with the Carthaginians attempting to capture him, catches sight of the traitor and throws himself on the enemy ranks in order to get at him (25.16.17-24).

ally lowers their moral standing.[47] At 24.21.9-10 they take weapons from the shrine of Jupiter to fight the Romans, praying as they do so that the god will allow them to use them to protect their country and temples: apparently creditable, were it not that Livy points out that these same weapons were given to Hiero by the Romans themselves (24.21.9). The Syracusans' impiety in taking up arms against their allies is thus highlighted, and the apparent piety of their prayer undermined. He then shows the brutal massacre by the mob of Hieronymus' family (24.25-6). In fact, the treaty is renewed at 24.28.9, but the hatred of the Syracusans for Rome persists,[48] as is clear from 24.32.1-2, and this leads to violations on the Roman ambassadors at 24.33.1-3.

Thus the fall of Syracuse is justified in the light of its inhabitants' impiety — this is made clear by Marcellus at 25.31.4: 'sed pleraque eorum quo debuerint reccidisse foederumque ruptorum ipsos ab se graviores multo quam populus Romanus voluerit poenas exegisse'. However, from here on we begin to get hints that not is all well even with the Roman conquerors. The theme of Roman impiety first appears at 24.37-9, where the commander L. Pinarius pre-empts a treacherous Sicilian attack on his garrison at Henna by massacring the citizens at an assembly. Again, this could be justified on the grounds that the initial treachery came from Sicily, but Livy does not support this position — he says 'Henna aut malo aut necessario facinore retenta' (24.39.7), then strongly hints that he prefers the former interpretation (24.39.7-10):

> Marcellus nec factum improbavit et praedam Hennensium militibus concessit, ratus timore fore deterritos proditionibus praesidiorum Siculos. atque ea clades, ut urbis in media Sicilia sitae claraeque vel ob insignem munimento naturali locum vel ob sacrata omnia vestigiis raptae quondam Proserpinae, prope uno die omnem Siciliam pervasit et, quia caede infanda rebantur non hominum tantum sed etiam deorum sedem violatam esse, tum vero qui etiam ante dubii fuerant defecere ad Poenos.

Roman behaviour in Sicily thus contains elements of impiety, which lead to their plans being self-defeating. We should also note here the juxtaposition of plunder and impiety, and that the impiety is linked to Marcellus himself.

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[47] It should, however, be stressed that sympathy never entirely vanishes — Livy remains alive throughout to their sufferings. See C.B.R. Pelling, "Plutarch: Roman Heroes and Greek Culture", in *Philosophia Togata: Essays on Philosophy and Roman Society*, ed. M. Griffin and J. Barnes (Oxford, 1989), 203-4.

[48] Indeed, almost at once, at 24.29.3, Livy makes it clear that the improvements in Syracuse are only temporary: 'levaverunt modo in praesentia velut corpus aegrum quo mox in graviorem morbum recideret'.

Religion is thus used to underline the moral ambiguities of the Roman position: the 'sedem deorum' is said to have been violated, even though Pinarius at 24.38.8 had appealed to those very gods, Proserpina and Ceres, for support, saying that 'vitandae, non inferendae fraudis causa hoc consilii capimus'. Like the Syracusans earlier, he seems to be attempting to show piety, yet his actions are impious.

These ideas reappear with the sack of the city in Book 25. One of the considerations that had persuaded the Syracusans to fight against the Romans was the report (24.30.4, 24.32.1) that they had plundered Leontini after capturing it at 24.30.1 — but that report, as Livy several times made clear, was false.[49] But now Roman behaviour is very different. The treasure that is there to be plundered is emphasised again and again. Among the past glories of the city for which Marcellus weeps are 'tot tam opulenti tyranni regesque' (25.24.13). When the Romans capture part of the city at 25.25.9 they spare the people, but rampage after the great spoils: 'rapinis nullus ante modus fuit quam omnia diuturna felicitate cumulata bona egesserunt'. Marcellus takes specific measures to protect the royal treasure at 25.30.12 and 25.31.8, but everything else is plundered by the soldiers,[50] who commit what Livy describes as 'multa irae, multa avaritiae foeda exempla' (25.31.9), including the murder of Archimedes. Livy's summing up of Syracuse's defeat stresses above all the wealth acquired from it.[51]

None of this would seem on the face of things to have religious implications: as Livy points out at 25.40.2, the wealth obtained in this way was 'parta belli iure'. However, his description of the Romans' behaviour as full of 'avaritiae foeda exempla' (25.31.9) suggests that he saw the desire for the spoil as excessive; even more pertinent is the way in which 25.40.2 continues:

> ceterum inde initium mirandi Graecarum artium opera licentiaeque hinc sacra profanaque omnia volgo spoliandi factum est, quae postremo in Romanos deos, templum id ipsum primum quod a Marcello eximie ornatum est, vertit.

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[49] E.g. 24.30.3: 'falsa mixta'; 24.30.6: 'mendacio'; 24.30.7: 'suaque omnia ... restituebantur'.

[50] Contrast Silius 14.665-88, who avoids criticising the Romans by denying that the city was plundered at all.

[51] 25.31.11: 'hoc maxime modo Syracusae captae; in quibus praedae tantum fuit, quantum vix capta Carthagine tum fuisset cum qua viribus aequis certabatur'.

The Romans' spoiling of Syracuse thus leads to moral decline,[52] and in particular to impiety.[53] The decline in Roman standards that we have seen over the last two books thus prefigures and culminates in the moral decline of the city as a whole. This theme of long-term moral decline appears intermittently through Livy's work[54] — we shall have occasion to note other examples of it. Its appearance here fits well with a book which has seen a number of Roman setbacks; it is also significant that the passage comes at almost the very end of the book, and hence of the pentad — a section of the work in which Rome has been largely worsted concludes with a reminder that what we have seen is linked to her future problems. Moreover, when we look at Marcellus himself, although Livy has stressed his honourable behaviour,[55] there is here too a negative side which qualifies to a certain extent our picture of him.[56] For the moment this is less important, but, as we shall see, the idea will come to prominence once again in connection with his death.

It was discussed above (38-9) how the first prodigy list of the war, in Book 21, was displaced into a gap at the end of the year between the election of the new consuls and their taking up office, in order to associate it as closely as possible with the new consul Flaminius, and to link it with the prodigies and omens associated with him at the start of the year following. The new pentad, covering the second half of the war, begins in Book 26 with the opening of the year 211, and we find that here too the prodigy list has been displaced into such a gap.[57] Here, however, the

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[52] This theme has also emerged earlier in the book, where Cn. Fulvius' troops at 25.20.6 lose their discipline as a result of plunder, and are thus defeated: 'milites praeda impletos in tantam licentiam socordiamque effusos ut nulla disciplina militiae esset'.

[53] Contrast Polybius 9.10, who has an even longer disquisition on the problems caused by the plunder from Syracuse, but who does not mention impiety — his main objection is that by obtaining wealth the Romans invited envy (see Burck (1962), 117-8; E.M. Carawan, "The Tragic History of Marcellus and Livy's Characterisation", *CJ* 80 (1984-5), 136-7). Plutarch, *Marcellus* 21, on the other hand, regards the plundering of the city as something basically beneficial to Rome, as it brings Greek culture to the Romans (see S.C.R. Swain, *Plutarch and Rome: Three Studies* (unpublished dissertation, Oxford, 1987), 122-6; Pelling (1989), 200-3).

[54] He especially associates it, as here, with luxury obtained as a result of Roman conquests — see above all 39.6-7. On this tradition see A.W. Lintott, "Imperial Expansion and Moral Decline in the Roman Republic", *Historia* 21 (1972), 626-38.

[55] E.g. 25.31.10, where he honours Archimides after his death, and 25.40.1: 'cetera in Sicilia tanta fide atque integritate composuisset ut non modo suam gloriam sed etiam maiestatem populi Romani augeret'. On the balance in Livy's portrait of Marcellus see Carawan (1984-5), 136-8.

[56] Compare Cicero, *2 Verr.* 4.120-3, who is keen to contrast Marcellus favourably with Verres, and who hence stresses how little was taken, and says that even that little was in order to preserve it: 'non plane expoliare urbem, praesertim quam conservare voluisset' (4.120).

[57] The list comes at 26.23.4-6; it is placed between the election at 26.22.13 and the taking up of office at 26.26.5.

reasons are not quite so clear. It cannot be in order to have some sort of build-up of prodigies, because the prodigies in the subsequent year, 210, have themselves been displaced to the beginning of the following book, to 27.4.11-15. The significance of the new position of this second list will be discussed further below, but when it comes to the list for 211, it would appear that one of Livy's primary objects must be to keep the year as free as possible from prodigies.

Why should this be? The four most important events of the year are the prosecution of Cn. Fulvius at 26.2.7-3.12,[58] the recapturing of Capua at 26.4-7 and 26.12-16, the battle of the Anio at 26.11, and the selection of Scipio to command in Spain at 26.18-19; and Livy treats all four as vital turning points in the war. The prosecution of Fulvius is for the defeat which came because he allowed his soldiers to be corrupted by booty.[59] Here the year is marked by the Romans' seeking to make a new start and resolve the problems of the previous book, and indeed of the whole of the last pentad — Vallet points to the parallels that are brought out here between Fulvius and Varro: by prosecuting Fulvius, the Romans help to make up for Cannae.[60]

The defection of Capua to Hannibal had given an important boost to his cause in Book 23; but ultimately was shown as undermining it, since it was as a result of wintering there that his army lost the will to win (23.18.10-16). In Book 23 Livy had made a great deal out of the city's wealth and luxury that caused this Carthaginian collapse — a standard ancient view of the city, as appears from other writers.[61] Here, however, with its recapture by Rome he has just two brief references to this aspect of it (26.14.8, 26.16.12) — we may contrast his treatment of the capture of Syracuse discussed above. He presents the Roman victory as untrammelled by any uncomfortable overtones of moral decline; in this, too, he is showing the year as central to Roman success.

But most important of all are the other two major events of the year. The battle of the Anio took place a mere three miles from Rome (26.10.3), and Livy shows Hannibal from there actually surveying the city as if for a siege.[62] This is the closest that he ever came to Rome, and the aborting of

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[58] This is not the year's consul, but the praetor of 212 (*MRR*, 268 and n.52 above).

[59] 26.2.8: 'neminem praeter Cn. Fulvium ante corrupisse omnibus vitiis legiones suas quam proderet'.

[60] Vallet (1964), 715-6.

[61] 23.2.1, 23.4.4-5, 23.8.6, 23.18.10-16, 23.45.2-4; compare e.g. Polybius 7.1.1-2; Cicero, *Leg. Agr.* 1.20, 2.95.

[62] 26.10.3: 'moenia situmque urbis obequitans contemplabatur'.

the battle is the end of his last chance to capture it.[63] The same year sees the coming of Scipio, the man who is destined to defeat Hannibal at the last.[64] Moreover, we should take into account the fact that this is the first year of Book 26. It is surely no accident that, just as the first pentad of the decade, in which Carthage is in the ascendency, begins, as I described above, with Carthage, so too this pentad, which will contain the final Roman victory, begins with a year containing events crucial for that victory.[65] It is thus clear why Livy does not begin the year with a prodigy list: he avoids casting even the slightest shadow, not merely over this year in which Rome finally takes the initiative, but over the pentad as a whole. He keeps a year which is vital not only for the war, but also for the structure of his work, as far as possible totally free of prodigies.

This argument carries with it, moreover, the strong implication that this displacement of prodigies is due to Livy himself, and not to his predecessors. We know of no previous writer whose work's structure depended on a break between 212 and 211, even if others may have identified 211 as a crucial year in the war:[66] thus only Livy can have had, as well as the more general desire not to cast gloom over a vital year for the Roman cause, a powerful structural motive to keep that year free of prodigies.

Both of the last and most crucial of the turning points mentioned above, the battle of the Anio and the appointment of Scipio, have religious dimensions that must now be examined more closely. Let us first consider the rainstorm that aborts the first of these, at 26.11.2-4:

> imber ingens grandine mixtus ita utramque aciem turbavit ut vix armis retentis in castra sese receperint, nullius rei minore quam hostium metu. et postero die eodem loco acies instructas eadem tempestas diremit; ubi recepissent se in castra, mira serenitas cum tranquillitate oriebatur. in religionem ea res apud Poenos versa est &c.

Livy here emphasises the importance of an episode which, in the event, amounted to very little. The previous two chapters have set out the panic in Rome at Hannibal's approach; while here the battle is described as one 'in qua urbs Roma victori praemium esset' (26.11.2). Yet it comes to nothing: through a miracle — and, even leaving aside the coincidence, and the reaction of the Carthaginians, the words 'mira serenitas' suggest that

[63] 26.11.4: 'audita vox Hannibalis fertur potiundae sibi urbis Romae modo mentem non dari, modo fortunam'.
[64] Hoffmann (1942), 64.
[65] See Burck (1962), 17-18.
[66] Burck (1962), 19-26; (1971), 42-3.

Livy is presenting it as a miracle — Rome is saved, and Hannibal never gets another chance.

Note also the link between this episode and the behaviour of the Carthaginians. After the battle, at 26.11.8-13, Livy describes how on his retreat from the Anio, Hannibal plundered the temple at Feronia; he strips it of its wealth of gold and silver, although the soldiers 'religione inducti' leave behind bronze in its place (26.11.9). Livy goes on to stress the evidence that Hannibal visited the temple, and argues that the only question was whether he did so before or after his march on Rome. We know that there was ancient disagreement about Hannibal's route;[67] Livy attempts here to show that the disagreement does not affect the point that Hannibal plundered the temple.[68] When we observe how closely this story in Livy is juxtaposed with the miracle that saved Rome, it is hard not to connect the two: Hannibal's impiety justifies the loss of divine favour, and Livy emphasises that about the impiety there is no doubt.

We may also observe the corresponding piety of the Roman women at 26.9.7-8, who flock to pray to the gods as Hannibal approaches the city. It is true that this is a standard rhetorical theme, and that the story moreover also appears in Polybius at 9.6.3-4, in language that is so close to the first part of Livy's version that it may be that he is his source for this part of it;[69] however, the second part of Livy, where the women specifically pray for divine protection,[70] does not correspond to anything in Polybius, and may well be related to the fact that in Livy, unlike in Polybius, as we have seen, it is through divine protection that Rome is actually saved. For Polybius the story is little more than an interesting ethnographical phenomenon.[71]

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[67] Apart from the evidence of this passage, Polybius gives an account that is substantially different from Livy's (9.5.8-9). For an examination of which of the variant accounts is in fact correct, see E.T. Salmon, "Hannibal's March on Rome", *Phoenix* 11 (1957), 153-63; E.W. Davis, "Hannibal's Roman Campaign of 211 B.C.", *Phoenix* 13 (1959), 113-20; Walbank (1957-79), volume 2, 121-4.

[68] That this is the main purpose of this digression is clear from the words with which it is introduced: 'huius populatio templi haud dubia inter scriptores est' (26.11.10).

[69] Polybius 9.6.3: 'αἱ δὲ γυναῖκες περιπορευόμεναι τοὺς ναοὺς ἱκέτευον τοὺς θεούς, πλύνουσαι ταῖς κόμαις τὰ τῶν ἱερῶν ἐδάφη'; Livy 26.9.8: 'undique matronae in publicum effusae circa deum delubra discurrunt crinibus passis aras verrentes'.

[70] 26.9.8: 'nixae genibus, supinas manus ad caelum ac deos tendentes orantesque ut urbem e manibus hostium eriperent matresque Romanas et liberos parvos inviolatos servarent'.

[71] 9.6.4: 'τοῦτο γὰρ αὐταῖς ἔθος ἐστὶ ποιεῖν, ὅταν τις ὁλοσχερὴς τὴν πατρίδα καταλαμβάνῃ κίνδυνος'.

Turning now to Scipio, when he is introduced Livy stresses the religious stories associated with him (26.19.3-9).[72] This passage was discussed above (18-19) in the context of Livy's supposed scepticism, and it is this attitude which governs the story:[73] what Livy is interested in here above all is the way in which Scipio uses religion in general and the legends about himself in particular to promote his military and political aims — compare Polybius' similar account at 10.4-5. The same idea emerges at New Carthage later in the book, where Scipio refers in his speech before the assault on the city to auguries, auspices and visions that promise ultimate Roman victory (26.41.18-19). We have encountered none of these in the actual narrative, and the suspicion must be, in the context of what we have been told about Scipio, that he has invented them. A similar theme appears in the attack on New Carthage across the lagoon at low tide (26.45.9):

> hoc cura ac ratione compertum in prodigium ac deos vertens Scipio qui ad transitum Romanis mare verterent et stagna aufferrent viasque ante numquam initas humano vestigio aperirent, Neptunam iubebat ducem itineris sequi ac medio stagno evadere ad moenia.[74]

Livy here is emphasising the human qualities that lead to Scipio's success; however, there are other elements that must be taken into account. Livy, unlike Polybius, accepts that some of the supernatural stories surrounding Scipio are true, though he shows scepticism about all those that he actually cites: he concludes with a reference to 'multa alia eiusdem generis, *alia vera*, alia adsimulata' (26.19.9).[75] Even more significantly, the speech before New Carthage continually refers to the ultimate Roman victory in prophetic terms.[76] We might take this as nothing more than Scipio's attempt to encourage his hearers, if it were not that we *know* that he is right, and that Carthage will be defeated. The same thing applies to 26.20.5, where we are informed of the fears of the Carthaginians that Scipio will destroy them:

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[72] For the development of these legends see F.W. Walbank, "The Scipionic Legend", *PCPhS* 13 (1967), 54-69; H.H. Scullard, *Scipio Africanus: Soldier and Politician* (London, 1970), 18-23.

[73] This is denied by Hoffmann (1942), 78-9, but he overlooks the extremely dismissive tone of the passage.

[74] Compare Polybius 10.11.7, 10.14.12; Appian, *Hisp.* 21, and see Walbank (1957-79), volume 2, 191-6.

[75] See Hoffmann (1942), 65.

[76] E.g. 26.41.9: 'ea fato quodam data nobis sors est ut magnis omnibus bellis victi vincerimus'; 26.41.19: 'animus quoque meus, maximus mihi ad hoc tempus vates, praesagit nostram Hispaniam esse'. See Stübler (1941), 141-9; Hoffmann (1942), 81.

> nihilo minor fama apud hostes Scipionis erat quam apud cives sociosque, et divinatio quaedam futuri, quo minus ratio timoris reddi poterat oborti temere, maiorem inferens metum.

Livy makes it clear that we are not dealing here with rational calculation, but with what is virtually prophecy ('divinatio quaedam'). In these ways Scipio is provided with a certain numinous quality, appropriate to his status as the ultimate destroyer of Carthage, to balance the sceptical presentation of his use of religion. None of these features is found in Polybius, who presents Scipio in a more consistently rational manner.

Book 27 centres around four key events: Fabius' capture of Tarentum (15-16); the battle of Baecula (18-20), where Scipio defeats Hasdrubal, but then does not pursue him, but allows him to march across Gaul and into Italy; Hannibal's killing both consuls, Marcellus and Crispinus, in battle (27); and Hasdrubal's crossing of the Alps (39) in an attempt to link armies with Hannibal, with his final defeat at the Metaurus (47-9), leading to exultation at Rome, while Hannibal is reported to have said 'agnoscere se fortunam Carthaginis' (27.51.12).

Let us now examine this book's prodigy lists. The first, at 27.4.11-15, was displaced from the beginning of its year (above, 57-8);[77] it is consequently fairly close to the second, at 27.11.1-6 — though they are not too obviously juxtaposed, as the first is placed a little before the end of the first year, 210, while the second appears a little after the beginning of the second year, 209. This suggests that Livy's aim is not so much to put them directly together, as to have a general portentous shadow hanging over the beginning of the book, and thus to prepare the way for and build up to the disaster of the consuls' death in its centre, and the potential disaster of the Metaurus at the end. We may observe that the book similarly begins with a major Roman defeat at Herdonea (27.1.3-15): although this is given little emphasis by comparison with what comes after, it provides a sense of impending danger to match that given by the prodigies. However, the influence on the religious tone of the book of the story of C. Valerius Flaccus, the *flamen dialis*, at 27.8.3-10, should also be observed. He is a dissipated young man, selected as *flamen* against his will; but under the influence of his new office he becomes extremely pious, and as a reward is admitted to the senate. This story has no direct connection with the events

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[77] Observe the device employed by Livy at 27.4.11, where he begins this list with the words 'multa *ea aestate* qua haec facta sunt ... nuntiata sunt prodigia': in view of what has been argued, this is transparently an invention in order that the list may fit its new context. Compare 39.56.6, where he introduces a similarly displaced list with the words 'supplicatio *extremo anno* fuit prodigiorum causa' (see below, 97-8).

around it, but it counters to a certain extent the ominous tone of the prodigy lists by bringing into prominence the theme of Roman piety, which will come completely to the fore in the book's climax.

When it comes to Marcellus' and Crispinus' death, Livy overtly uses the prodigy list at 27.23.1-4 to foreshadow it: he begins the passage by saying 'consules religio tenebat quod prodigiis aliquot nuntiatis *non facile litabant*' (27.23.1), and concludes it as follows (27.23.4):

> per dies aliquot hostiae maiores sine litatione caesae diuque non impetrata pax deum. in capita consulum re publica incolumi exitiabilis prodigiorum eventus vertit.

This continues the ominous mood given to the book by the two prodigy lists at its start, but also directs it away from the state as a whole and towards the individual consuls.[78] In this, it is related to a number of other religious events which connect Marcellus in particular with impiety, and hence point to his death as a divine punishment. The sequence begins with Fabius' capture of Tarentum at 27.16.7-8, where Livy explicitly contrasts his restraint over the spoil with Marcellus at Syracuse:[79]

> sed maiore animo generis eius praeda abstinuit Fabius quam Marcellus; qui interrogatus scribae quid fieri signis vellet ingentis magnitudinis — di sunt, suo quisque habitu in modum pugnantium formati — deos iratos Tarentinis relinqui iussit.

We may contrast Livy's handling of this episode with the rather different approach of Plutarch, *Fabius* 22.6-8.[80] For one thing, Fabius is not acting piously in Plutarch's version, as these 'gods' are not divine images, but only what the scribe calls the captured works of art (*Fabius* 22.7), and moreover, Fabius is actually said to have taken a statue of Hercules from Tarentum to set up on the Capitol (*Fabius* 22.8).[81] For another, Plutarch lays rather

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[78] This idea recurs at 27.33.11: 'deos immortales, miseritos nominis Romani, pepercisse innoxiis exercitibus, temeritatem consulum ipsorum capitibus damnasse'.

[79] Note also the earlier contrast between Fabius and Marcellus at the siege of Casilinum, where the former behaves with more clemency, while the latter causes his troops to slaughter the inhabitants (24.19.6-10) — itself a forerunner of Syracuse in the following book (see P.G. Walsh, "Livy and the Aims of 'Historia': An Analysis of the Third Decade", *ANRW* II 30.2 (1982), 1067). In general, there was a tradition of contrasting Fabius and Marcellus (e.g. Posidonius, *FGrH* 87F42, Cicero, *Rep.* 5.10), though the terms of comparison were far from constant. See Hoffmann (1942), 53-4.

[80] Cf. also *Marcellus* 21.5 — a briefer version closer to Livy.

[81] Cf. Pliny, *H.N.* 34.40, who adds that it was only its weight that prevented Fabius from taking a statue of Jupiter as well!

more stress on the Romans' brutality (compare Livy 27.16.6) which, unlike Livy, he attributes to Fabius' direct orders, resulting from his ambition (*Fabius* 22.5). The result is that Marcellus comes off rather better from the comparison; in Livy the main effect is to present his behaviour in the worst light.

Indeed, Livy here links Marcellus' spoiling of Syracuse with impiety even more closely than in Book 25 — Livy nowhere there referred to his plundering temples, whereas the point of the contrast with Fabius here must be that Marcellus had done so.[82] In this context, we may compare the episode in Book 26 where the Syracusans had come to Rome to complain about him (26.29-32); their complaints are not entirely justified, but nor is Marcellus' reply,[83] and the complaint includes a reference, to which Marcellus makes no answer, to 'refracta ac spoliata deum delubra dis ipsis ornamentisque eorum ablatis' (26.30.9). Even more importantly, the result of the complaint is that Marcellus' province is changed from Sicily to Italy, which Livy describes as 'rapiente fato Marcellum ad Hannibalem' (26.29.9). We thus get already here a clear hint that Marcellus' impiety is leading him, albeit indirectly, to his death.

The idea of Marcellus' impiety reappears at 27.25.7-9, where it is described how he had vowed temples to Honor and Virtus during the war with the Gauls, but had never managed to dedicate them, as the pontifices had raised difficulties about dedicating the same temple to two different deities; in the end an additional shrine is built, but, Livy comments 'neque tamen ab ipso aedes eae dedicatae sunt' (27.25.9). The placing of this episode so close to both the prodigies and Marcellus' death is significant: the comment suggests that he has failed in his religious duty, and we may thus see a further reason for his death in religious terms. Once again, we can contrast Plutarch, *Marcellus* 28.2:[84] there Marcellus does actually succeed in dealing with the two temples,[85] but regards the priests' objections as a bad omen. Plutarch thus foreshadows his death, and moreover links it to Syracuse, but without any overtones of impiety.

One more episode should be discussed here. At 27.26.13-14 Marcellus receives bad auspices, and then immediately afterwards good ones. The haruspices warn him against the latter, saying that 'secundum trunca et turpia exta nimis laeta apparuissent' (27.26.14); nevertheless Marcellus is

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[82] Contrast also Cicero, *2 Verr.* 4.121-3, who denies that Marcellus (unlike Verres) plundered any temples.

[83] See Pelling (1989), 204-5.

[84] Plutarch, like Cicero, *2 Verr.* 4.123, refers the story to Marcellus' Sicilian rather than his Gallic campaign.

[85] Cf. Valerius Maximus 1.1.8, for whom the dedication of the temples seems to be entirely successful, redounding to Marcellus' credit.

eager to meet Hannibal, and so falls into his trap.[86] This unusual set of auspices, in which good ones are turned to bad, is important for Livy's presentation of Marcellus: he shows him as fighting against the will of the gods, but not as manifestly impious in the way that Flaminius had been (note that his failure to dedicate the temples above was strictly speaking the pontifices' fault, not his own). However, that there has still been a failure is clear if we contrast him with Fabius earlier in the book, who avoids falling into a similar trap by a careful regard for the auspices (27.16.15-16). The parallel situations of the two generals reinforces the contrast between them that was originally brought out by their treatment of the cities that they had captured, and here, as there, Fabius is portrayed as strictly pious (cf. above, 22), Marcellus as more lax.

We can thus see that the first three prodigy lists of the book have been closely integrated with other religious events, and with the narrative as a whole. This applies also to 27.37, which, perhaps more than any other list in Livy, has its content determined by the events around it. It is considerably longer than usual, which matches the treatment of the crisis with which it is associated: it comes immediately prior to the action of Hasdrubal that culminates in the battle of the Metaurus, all of which is treated at great length, occupying the last quarter of the book. Livy builds up massively the importance of the battle, and the potential threat that it poses to Rome. The danger of Hasdrubal's crossing into Italy is first raised at the start of the book (27.5.11-12, 27.7.3), preparing us for this as a major theme. At 27.36.1-4 and 27.39.1-3 Rome gets more and more disturbed by the news of Hasdrubal in Gaul; at 27.38.1 the consuls hold a levy 'acrius intentiusque quam prioribus annis quisquam meminerat habitum'; at 27.40.1-7 the prospects of defeat and the dangers if the Carthaginian armies should join up are stressed. The celebrations after the victory are in proportion to this, occupying the whole of 27.50-51. The lengthy prodigies at 27.37 thus form an important part of this pattern.

Moreover, the prodigies, unusually for Livy, appear in waves:[87] first, in 27.37.1, there is a rain of stones, which necessitates a 'novendiale sacrum';

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[86] Note in particular the reference to his 'cupiditas ... dimicandi' at 27.27.1. Contrast Valerius Maximus 1.6.9, who has him taking the warning, and hence deciding to scout out the area first, on which mission he is killed.

[87] A.A. Boyce, "The Expiatory Rites of 297 B.C.", *TAPhA* 68 (1937), 157-71, seeks to explain this historically in terms of conflicts between the different colleges of priests; however, she fails to see the dramatic reasons for Livy to present his narrative in this way. E. de Saint-Denis, "Les énumérations des prodiges dans l'oeuvre de Tite-Live", *RPh* 16 (1942), 130, claims that the prodigies in this list are not only in chronological order, but also in ascending order of seriousness; this fits well with my argument about the dramatic nature of the list, but it should be pointed out that Saint-Denis claims to see similar order even in lists which could hardly be counted as dramatic by any other criterion (e.g. 32.29.1-2; see my discussion below, 81).

then, since new prodigies are announced, 'haec procurata hostiis maioribus prodigia et supplicatio diem unum fuit ex decreto pontificum' (27.37.4). Then, in the same chapter we find: 'inde iterum novendiale instauratum quod in Armilustro lapidibus visum pluere'. Then, new prodigies are announced: 'liberatas religione mentes turbavit rursus nuntiatum &c.' (27.37.5). Then, while preparations are being made to combat these, a temple is struck by lightning (27.37.7), and the final expiations are set out at great length (27.37.8-15).[88] The overall effect is of a tremendous celestial crisis, with the gods only propitiated after a huge effort. And, as has already been shown, it is precisely at a crisis that this passage occurs, with Hasdrubal waiting for spring, so that he can cross the Alps into Italy. Thus the length of the eventual propitiation, with the overtones that it carries of extreme Roman piety,[89] may be seen as foreshadowing the decisive Roman victory of the Metaurus, a victory of which it is said (27.49.5): 'numquam in eo bello una acie tantum hostium interfectum est, redditaque aequa Cannensi clades vel ducis vel exercitus interitu videbatur'. In 27.37, therefore, we have an excellent example of how for Livy a prodigy list may become a significant device to help him build the book up to its dramatic climax, and to instil into that climax powerful religious overtones. Indeed, Book 27 as a whole provides our best example so far of prodigy lists and other religious material being transformed so as to match the overall narrative.

In Book 28, on the other hand, religion is less prominent. The only prodigy list in the book is for the year 206, at 28.11.1-7, and contains no unusual features. There are, however, two important omissions from the book. The first is the prodigy list for 205, which is displaced to the end of the year, 29.10.4-8. We shall discuss below the part that this plays in Book 29; but why should it have been removed from Book 28? The most obvious reason is that this year Scipio has been elected as consul (28.38.12), and the last quarter of the book is almost entirely taken up with his preparations for the invasion of Africa. We have already seen him used as a symbol of ultimate Roman victory in Books 21, 22 and 26, and earlier in this book he has been built up in a similar fashion. His plan to invade Africa is introduced at 28.17-18, immediately after he has completed the conquest of Spain, and he prepares the way for it there by his negotiations with Syphax. His charismatic personality, and, in particular, the fact that this will bring

[88] The religious significance of the expiatory rites and the prodigies which gave rise to them are discussed by J. Cousin, "La crise religieuse de 207 avant J-C", *RHR* 126 (1943), 15-43.

[89] We may note also the behaviour of the Romans later in the book, praying before the battle (27.45.8-9, 27.50.5), and giving thanks after it (27.51.7-9) — compare Polybius 11.3.5.

about Roman victory, are stressed with his meeting with Hasdrubal;[90] with the mutiny of his troops at 28.24-29, which is prompted by reports that he is desperately ill;[91] with his meeting with Masinissa at 28.35, which leads the latter to say 'si quidem eundem Scipionem ducem in Africam Romani mittant, satis sperare perbrevis aevi Carthaginem esse' (28.35.11); and with his election at 28.38, where he attracts huge crowds, who determine to give him a chance to invade Africa and so complete the war (28.38.8-10).

This theme reaches its climax with the end of the book, when Scipio is actually consul. The year starts with an embassy from Saguntum (28.39): this is significant in itself, as this reminds us of the impiety with which Hannibal began the war,[92] and hence points to his eventual defeat. More specifically it magnifies Scipio's exploits, and so prepares the way for his being the agent of that defeat: the second half of the Saguntine address to the Senate is devoted to a eulogy of him as the saviour of their country (28.38.9-16).[93] From there we move into the major debate between Scipio and Fabius concerning the correct policy for the war, with Fabius advocating remaining in Italy to fight Hannibal, rather than crossing to Africa and leaving Italy potentially under-defended, while Scipio reasserts his policy of attacking the enemy territory (28.40-44). Here, once again, the emphasis is on Scipio, and on his plan that will bring the war to an end.[94] Finally, we are reminded both of the Romans' piety, and of their victories associated with that piety, when they send ambassadors to Delphi to dedicate spoils from the Metaurus (28.45.12). All of this provides a powerful reason for the omission of prodigies here: their pessimistic impact would clash with Livy's presentation of Scipio's consulship as the decisive factor that will bring about the Carthaginian defeat.

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[90] See in particular 28.18.7-8: 'mirabiliorem sibi eum congressu coram visum prae se ferebat quam bello rebus gestis, nec dubitare quin Syphax regnumque eius iam in Romanorum essent potestate'. The first word carries overtones of the supernatural, with which, as we have seen, Scipio was linked in Book 26. Polybius 11.24ᵃ.4 and Appian, *Hisp.* 30 speak of Hasdrubal being impressed, and Appian even uses the phrase 'καταπλαγῆναι τῆς σεμνότητος', which has similar religious connotations. Neither, however, relates this to Scipio's future achievements.

[91] See especially 28.24.2: 'apparuitque quantam excitatura molem vera fuisset clades cum vanus rumor tantas procellas excivisset'; also 28.24.15, 28.25.1. Conversely, the mutiny collapses when news comes of his recovery (28.25.3, 28.26.14 — see Hoffmann (1942), 85-6). Appian. *Hisp.* 34, on the other hand, does not regard Scipio's illness as a cause of the mutiny.

[92] See Burck (1962), 140, and compare 44-5 above. The idea also appears in Scipio's speech at 28.44.7.

[93] See especially 28.39.9: 'ex insperato repente misistis nobis hunc P. Scipionem, quem fortunatissimi omnium Saguntinorum videmur quia consulem declaratum videmus ac vidisse nos civibus nostris renuntiaturi sumus, spem, opem, salutem nostram'.

[94] For a detailed analysis of the episode see Hoffmann (1942), 88-93.

The second omission from Book 28 is the story found in Coelius Antipater fr.34P (from Cicero, *Div.* 1.48):

> Hannibalem Coelius scribit, cum columnam auream, quae esset in fano Iunonis Laciniae, auferre vellet dubitaretque, utrum ea solida esset an extrinsecus inaurata, perterebravisse; cumque solidam invenisset, statuisse tollere; ei secundum quietem visam esse Iunonem praedicere, ne id faceret, minarique, si fecisset, se curaturam, ut eum quoque oculum, quo bene videret, amitteret. idque ab homine acuto non esse neglectum; itaque ex eo auro quod exterebratum esset buculam curasse faciendam et eam in summa columna collocavisse.

Livy tells of the actions of Hannibal at this temple at 28.46.16, but far more briefly, with no reference to any of the details in Coelius,[95] merely saying that he dedicated an altar there, and put up a monument to his deeds, while spending the summer in the vicinity. We have seen that Coelius is used by Livy in this decade,[96] so why did he omit this colourful story?[97] Two main explanations are possible. One is that he wished, after the tension of the debate between Scipio and Fabius, to end on a lower key, which would have been lost if a colourful story had been inserted. This has a certain amount to recommend it — it is certainly true that this is only one of a number of short notes with which Livy is ending the book (28.46.14-16). However, this is at best only a partial explanation — Livy could presumably have treated the story earlier in the book. The other explanation is along similar lines to what was said above: that the end of this book is given a special significance by Livy, and hence is kept as far as possible free of anti-Roman prodigies. A supernatural manifestation that is at least partly in favour of Hannibal would surely be subject to the same strictures as one against the Romans, and for the same reason: Scipio, not Hannibal, is the figure who is now to be presented as being blessed with divine favour and eventual success.[98]

Moving now to Book 29, the displaced prodigy list for 205, at 29.10.4-8, has one quite exceptional feature:

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[95] H. Tränkle, *Livius und Polybios* (Basel &c., 1977), 224-5, surprisingly overlooks the existence of the fragment, and suggests Coelius as Livy's source for the note.

[96] See above, 40-2 and 45-7. He is also cited as the source of a different story just a few lines earlier (28.46.14).

[97] This omission is especially significant in view of the fact that he had spoken of this very temple at 24.3.7 as a focus for miraculous stories: 'ac miracula aliqua adfinguntur ut plerumque tam insignibus locis'.

[98] In this context, it is worth noting that Livy's reference to Hannibal's monument to his deeds marks the conclusion of his success, and prepares for the final Roman victory (Hoffmann (1942), 9; Burck (1971), 22).

> civitatem eo tempore repens religio invaserat invento carmine in libris Sibyllinis propter crebrius eo anno de caelo lapidatum inspectis, quandoque hostis alienigena terrae Italiae bellum intulisset eum pelli Italia vincique posse si mater Idaea a Pessinunte Romam advecta foret. id carmen ab decemviris inventum eo magis patres movit quod et legati qui donum Delphos portaverant referebant et sacrificantibus ipsis Pythio Apollini omnia laeta fuisse et responsum oraculo editum maiorem multo victoriam quam cuius ex spoliis dona portarent adesse populo Romano. in eiusdem spei summam conferebant P. Scipionis velut praesagientem animum de fine belli quod depoposcisset provinciam Africam. itaque quo maturius fatis ominibus oraculisque portendentis sese victoriae compotes fierent, id cogitare atque agitare quae ratio transportandae Romam deae esset.

What is striking is that there are no real prodigies here at all, except for a passing reference to rains of stones: we might think that we had misidentified the list, were it not that there is no other candidate, and also that the passage contains features, like the slightly sententious reference to 'repens religio' entering the state, and the looking into the Sibylline books, that we generally associate with such lists. It seems as if the fact that Scipio is consul may be affecting the opening of this book as well as the end of the previous one: the pessimism normally associated with prodigies is transformed into a positive prophecy of Roman success, which fits well with the position of Scipio as the war's future victor. The fact that the bringing of the image of Cybele to Rome is told instead may also suggest another motive for the displacement: the sequel to the story is described with the list at the beginning of the following year (29.14.2-14), and Livy may well have desired that the two halves of the story should be told as close together as possible.

The Magna Mater cult was of some importance to Romans of the late Republic and early Empire,[99] and it is no doubt at least partly in consequence of this that, more than for any other part of the decade, we can compare Livy's treatment with those of several other writers.[100] There is a long account of the same story in Ovid, *Fasti* 4.247-348, as well as shorter versions in Cicero,[101] Diodorus 34.33.2 and many later authors.[102] The

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[99] See H. Graillot, *Le Culte de Cybèle, Mère des dieux, à Rome et dans l'Empire romain* (Paris, 1912), 92-116; F. Bömer, "Kybele in Rom: die Geschichte ihres Kults als politische Phänomen", *MDAI(R)* 71 (1964), 135-46.

[100] For more detailed analysis of the variants see E. Schmidt, *Kultübertragungen* (Giessen, 1909); T.P. Wiseman, *Clio's Cosmetics: Three Studies in Greco-Roman Literature* (Leicester &c., 1979), 94-9. Schmidt analyses the tradition in terms of 'Nasica' and 'Quinta' versions; Wiseman broadly accepts this, but concentrates on the 'Quinta' tradition and analyses it in terms of pro-Claudian and anti-Claudian versions.

[101] *Cael.* 34; *Har. Resp.* 27; *Fin.* 5.64.

balance of the story as it appears in Livy, however, is substantially different from that of anyone else. In no other author except Silius[103] is it said that the Sibylline Books actually prophesied that victory over the enemy could be obtained by the bringing of the image to Rome:[104] it is usually presented as advice with no reference to any particular occasion. Nor does any other authority save Ovid, *Fasti* 4.263 refer to the oracle from Delphi that immediately follows,[105] which stresses once again the forthcoming Roman victory; and Livy follows this up with a reference to the 'velut praesagientem animum' of Scipio (29.10.8),[106] likewise foretelling the end of the war, as he plans his invasion of Africa. The further Delphic oracle, at 29.11.5-6, which told how the image was to be brought to Rome, is also unique to Livy: other authors who speak of the detail of it being necessary that the *vir optimus* should be the one to receive it attribute it to the original oracle.[107] We can therefore see that Livy is setting up this episode as a key moment in the bringing of victory to Rome, being associated with no fewer than three separate oracles, as well as the quasi-oracular Scipio.

In other respects, also, Livy's version is highly unusual. In the Augustan period, the Cybele cult was bound up with the supposed Trojan origins of Rome: and writers often focus on this aspect of it.[108] Not a word of this appears in Livy, who concentrates entirely on the question of the bringing of the image (see further 245 below). Similarly, most writers who treat the Cybele cult at length are interested in its exotic oriental side, with its strange

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[102] E.g. Propertius 4.11.51-2; Valerius Maximus 8.15.3; Seneca, *De Matr.* fr.80; Pliny, *H.N.* 7.120; Statius, *Silv.* 1.2.245-6; Silius Italicus 17.1-45; Suetonius, *Tib.* 2.3; Appian, *Hann.* 56; Dio fr.56.64; *De Vir. Ill.* 44, 46; Augustine, *De Civ. D.* 2.5.

[103] 17.1, 17.46-7. However, Silius may be deriving this part of his account from Livy himself, and, in any event, he gives it less emphasis.

[104] Cicero, *Har. Resp.* 27 refers to the Sibylline prophecy, and even dates it to the time when 'defessa Italia Punico bello atque ab Hannibale vexata', but does not explicitly associate the bringing of the image with the defeat of the Carthaginians.

[105] Though some, such as Valerius Maximus and Dio, have the original oracle coming from Delphi, and make no reference to the Sibylline oracle.

[106] Scipio used similar words of himself earlier (26.41.19), in the prophetic speech that he made before New Carthage (above, 61-2); once again he is associated with supernatural guarantees of Rome's victory.

[107] E.g. Appian, *Hann.* 56. Th. Köves, "Zum Empfang der Magna Mater in Rom", *Historia* 12 (1963), 322 argues that this requirement is essentially Greek monarchical, and hence that Livy is preserving accurate information when he attributes it to Delphi. It is possible, however, that parts of the Sibylline Books contained Greek monarchical elements, at least by this period. See Wissowa (1912), 536-43; G. Dumézil, *La religion romain archaïque* (2nd ed., Paris, 1974), 591-2.

[108] See above all Virgil, *Aen.* 9.77-122; Ovid, *Fasti* 4.247-74; cf. Bömer (1964), 140-4.

rites and castrated priests;[109] but this aspect, likewise, Livy completely excludes. It is true that under Augustus the cult was being more closely assimilated into the religious system of the state, and the oriental element was relatively muted;[110] but even writers who accept the 'official' image will still typically refer to the stranger rites, if only to contrast with the cult's 'essential' Romanness.[111] No one goes as far as Livy in completely Romanising the cult, and utterly ignoring the oriental. The central focus for him is on the total acceptance of the cult at Rome, and the consequent victory for Rome that it promises. Alien elements that would jar against this image are removed.

For every other writer who tells of the bringing of the Magna Mater, Claudia Quinta, along with Scipio Nasica, form the central features of the tale. In Livy, however, Quinta gets little more than an aside.[112] Likewise, Nasica's role is greatly diminished: first Livy rather drily declines to speculate on what got him selected as *vir optimus*,[113] and then stresses the part played by the *matronae*.[114] Clearly the relevance of the event for him

[109] E.g. Catullus 63, Lucretius 2.600-43, Ovid, *Fasti* 4.179-246. Augustine, *De Civ. D.* 7.26 complains that Varro did not discuss the eunuch priests; however, this is at least in part polemical exaggeration, as they are described in *Antiquitates Rerum Divinarum* fr.267 Card., which Augustine had himself quoted a few pages earlier (*De Civ. D.* 7.24).

[110] T.P. Wiseman, "Virgil, Cybele and Augustus", in *Poetry and Politics in the Age of Augustus*, ed. A.J. Woodman and D.A. West (Cambridge, 1984), 117-28; however P. Zanker, *The Power of Images in the Age of Augustus*, tr. A. Shapiro (Michigan, 1988), 109, argues that the cult was still below native rites in the religious hierarchy.

[111] E.g. Dionysius, *Ant. Rom.* 2.19.3-5; on this passage, and on comparable ideas in Virgil, see Wiseman (1984).

[112] 29.14.12: 'matronae primores civitatis, inter quas unius Claudiae Quintae insigne est nomen, accepere; cui dubia, ut traditur, antea fama clariorem ad posteros tam religioso ministerio pudicitiam fecit'. Livy has the ship land the image at the mouth of the Tiber, and so the story of Claudia pulling the ship out of the shallows single-handed has no place (Wiseman (1979), 97).

[113] 29.14.9: 'id quidem virtutibus inducti ita iudicarint, sicut traditum a proximis memoriae temporum illorum scriptoribus libens posteris traderem, ita meas opiniones coniectando rem vetustate obrutam non interponam'. Other writers who discuss the question refer it to his piety (e.g. Dio fr.56.64; Valerius Maximus 8.15.3); and while it is true that most authors agree with Livy in providing no explanation, only Livy draws the reader's attention to this.

[114] 29.14.10: 'P. Cornelius cum omnibus matronis Ostiam obviam ire deae iussus; isque eam de nave acciperet et in terram elatam traderet ferendam matronis'. This point is missed by Schmidt (1909), 10, who classes Livy as an author who puts Nasica at the centre of the story. It is true that Nasica gets more prominence than Claudia, but relative to the length of the story both play little part. When Livy refers to this story again at 36.36.3 he seems to be using a version which has Nasica bringing the image right up to the city, leaving no room for the *matronae* (Wiseman (1979), 97); this may just be loose phrasing by Livy, but it may also offer further evidence that he is deliberately choosing here to tell a version where they have a part to play.

is its bringing victory for the community, and thus the community, rather than any individual, must take centre stage.[115]

One difference between the prodigy list associated with this episode and its predecessor, however, should be noted: the latter, unlike the former, contains not only the Magna Mater story, but also a number of real prodigies (29.14.2-4). The question is why this should be, as the context of the list still seems to be extremely optimistic, with the Romans about to invade Africa, and moreover with the Magna Mater arriving to bring victory for the city.

The simplest answer is that it is because Scipio is no longer consul, and, as we have seen, it is largely Scipio himself that led Livy to present the earlier list in the optimistic way that he did. However, it may also be connected with the story of Pleminius, with whom a great deal of the narrative of the first part of this year is concerned.[116] At 29.8-9 Scipio had left Pleminius in charge at Locri, where he proceeded to plunder the town, and, in particular, ransacked the temple of Proserpina — the significance of this impiety is made clear by Livy, when he compares it to the similar behaviour of Pyrrhus, the one man who had dared violate this temple in the past, and draws attention to the punishment that followed in his case (29.8.8-11).[117] He sees a similar punishment for impiety in the ensuing episode: Pleminius was involved in a quarrel with the military tribunes, who had attempted to interfere with his men in the course of a robbery, and their soldiers had protected them by setting on Pleminius and mutilating him (29.9.1-7). The matter was taken to Scipio, who had backed up Pleminius and restored him to his command (29.9.8), whereupon Pleminius had taken violent revenge upon his enemies (29.9.9-12). All of this had occurred immediately prior to the two prodigy lists, and is still hanging over the beginning of the new year. It is therefore hardly surprising that prodigies proper should recur; despite the apparent optimism of the context, Pleminius' sacrilege means that Rome is once again liable to the gods' anger.

The matter reappears immediately at the beginning of the year: Locrian envoys come to the Senate to complain about Pleminius' behaviour (29.16.4-18.20), and, we may note, lay especial stress on his impiety (29.18.1-18), which they say has been punished by the strife among the

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[115] More generally, see Burck (1962), 30 on the emphasis on the collective Roman victory in Livy's account of the Punic War.

[116] On the Pleminius episode in general see E. Burck, "Pleminius und Scipio bei Livius (Livius 29.6-9 und 29.16.4-22.12)", *Palingenesia* 4 (1969), 301-14. Burck analyses it in terms of the reconciliation of pro- and anti-Scipionic versions in favour of the former. However, as we shall see, Livy is leaving the issue at least in part unresolved and ambiguous.

[117] For Pyrrhus cf. Dionysius, *Ant. Rom.* 20.9-10.

soldiers (29.18.10-15), and which they advise the Senate to atone for (29.18.9); as we saw, Livy has previously in his own voice given support to their reasoning at 29.8.11, where he identified the Romans' violence against each other with the punishment for the despoiling of the temple. The Senate then takes every precaution to atone for this: they have Pleminius arrested and sent back to Rome (29.21.1-3, 29.22.7-10), and, in particular, take great pains over expiating the impiety (29.19.7-8, 29.20.10, 29.21.4). The impression with which we are left is that the Romans have overcome the threat of divine anger, and can thus invade Africa in confidence.[118]

However, Pleminius' fault is not only his own, but is linked a number of times with Scipio himself. Pleminius' violence brings 'ira' and 'infamia' upon Scipio, who had ignored the complaints against him.[119] Then, when the Locrian envoys arrive, we are told 'nec tam Plemini scelus quam Scipionis in eo aut ambitio aut neglegentia iras hominum inritavit' (29.16.5). The Senate is told at 29.19.1-2 of Scipio's unsatisfactory response, which is attributed to 'gratia'. This is related to other charges against Scipio: of excessive Hellenism and luxury, (29.19.11-13) — and Livy offers limited support for these charges, describing them as 'partim vera' (29.20.1). We can compare the versions of Diodorus 27.4 and Plutarch, *Cato Major* 3.5-7. Diodorus has no indication that Scipio had in any way acted too leniently: the accusations against him are plainly political envy (27.4.5). Plutarch does relate the charges of luxury (but not the Pleminius episode): unlike Livy, however, he uses this to praise Scipio, contrasting his moderate private luxury with the harsh and excessive asceticism of Cato, thus foreshadowing a key theme of this Life. Livy, by contrast, neither shows the accusations as clearly false nor justifies Scipio's behaviour.

It is true that in Livy Scipio is not eventually held formally responsible either by the Senate or by the Locrians (29.20.2-4, 29.21.8-11), and manages so to impress the Roman investigators with his troops' discipline that they return to Rome 'tamquam victoriam non belli magnificum apparatum nuntiaturi' (29.22.6). However, his military display is a somewhat specious ploy, which hardly deals with the charges against him of Hellenic luxury. We may note moreover that it is at Syracuse that the alleged luxurious living took place (29.19.12), a place, as we saw, that was associated with Roman decline in Book 25 (above, 56-7).

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[118] Burck (1969), 313-4.

[119] 29.9.12: 'quae antea per libidinem atque avaritiam foeda exempla in socios ediderat, tunc ab ira multiplicia edere, infamiae atque invidiae non sibi modo sed etiam imperatori esse'.

All of this helps to surround Scipio with a certain ambiguity;[120] he is presented, as we have seen, as a charismatic, quasi-prophetic figure, who is leading Rome to inevitable victory, yet he is also linked here to impiety, and to the luxury that will bring about long-term decline.[121] However, this is only hinted at — on the surface he has cleared himself with the Romans and the Locrians, and at 29.27 he sets off for Africa with the gods overtly on his side: he prays for victory and performs sacrifices (29.27.1-5), and on his trip prays for there to be a good omen when he sights Africa (29.27.9), which he receives when his first glimpse of it is the 'Pulchri promunturium' (29.27.12).[122]

Indeed, the Romans in general in the last portion of the book are shown as acting piously and accordingly achieving success. At 29.36.8-9 the consul Sempronius vows a temple if he can defeat Hannibal, and accordingly achieves victory — Livy comments 'composque eius voti fuit' (29.36.8). And the book concludes with religious rites (29.38.8): Roman piety is now unsullied, indicating that Roman success is indeed imminent.

The first prodigies in Book 30, for 203 (30.2.9-13), do not have any unusual features. We should, however, note a couple of points in the first half of this book which suggest that Livy is attempting to explain and justify Hannibal's defeat in religious terms. At 30.20.6 Hannibal kills a number of leading Italians in the temple of Juno Lacinia; this is manifestly an act of impiety,[123] and may be connected with 30.25.11-12, where Hannibal, on his way back to Africa, finds a bad omen — a derelict tomb directly ahead of his ship. This in turn may be compared with the good omen received by Scipio under similar circumstances — the two generals are thus paralleled and contrasted.[124] Moreover, at the same time the Romans are acting piously, giving thanks to the gods for Syphax's capture (30.17.6) and Hannibal's departure (30.21.6-10).

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[120] For other examples of Livy's ambiguous treatment of Scipio in the Third Decade see P. Scott, *Qualities of Leadership in Livy's History* (unpublished dissertation, Oxford, 1986), 174-8.

[121] There may also be hints of this earlier: see 28.24.5, where the mutiny of Scipio's troops is a result of 'licentia ex diutino, ut fit, otio conlecta, et nonnihil quod in hostico laxius rapto suetis vivere artiores in pace res erant'. We may also compare the rather ambiguous treatment of his claims to divine inspiration (above, 60-2).

[122] Burck (1969), 314.

[123] 'multis Italiaci generis, quia in Africam secuturos abnuentes concesserant in Iunonis Laciniae delubrum inviolatum ad eam diem, in templo ipso foede interfectis'.

[124] Burck (1962), 154; "Einzelinterpretation von Reden", in *Wege zu Livius*, ed. E. Burck (Darmstadt, 1966), 446; Tränkle (1977), 24-5. We may compare their meeting before Zama (30.30-31), where the parallels are stressed in the introduction (30.30.1: 'non suae modo aetatis maximi duces sed omnis ante se memoriae omnium gentium cuilibet regum imperatorumve pares'), and throughout Hannibal's speech (e.g. 30.30.12: 'quod ego fui ad Trasumennum, ad Cannas, id tu hodie es'). See Walsh (1982), 1067-9.

The prodigy list for 202, the year of Zama, has been displaced from the beginning of the year (30.27.1) to 30.38.8-12, so that it appears after the battle. This might be thought to be a further example of the phenomenon noted in the context of Cannae (above, 47-9): that when faced with a crucial battle, Livy tends to play down the idea of supernatural intervention, but this can at most only partly be working here. We may start by observing 30.28.11, where the Carthaginians 'velut fatalem eum ducem in exitium suum natum horrebant'. More significant still is Scipio's meeting with Hannibal before Zama.[125] As was said above, in this speech he points to the original Carthaginian impiety, which he implies that the gods will punish (30.31.4-5). We should also note Hannibal's speech, with its continual references to the gods and to fortune that have changed the position (30.30). Above all, Livy is bringing the idea of divine intervention into prominence, although it may be added that Hannibal, unlike Scipio in his reply, stresses the unpredictability of what the gods prescribe for man — a sense of divine justice is left for the Roman reply.[126]

Similarly, Scipio, in his speech to his soldiers, refers to the bad auspices that the Carthaginians have received:[127] this on the one hand is implied by Livy to be Scipio's invention,[128] but on the other he presents him in language that makes him appear prophetic and divinely inspired[129] — a further example of Livy's ambiguous portrayal of him in religious terms.

If, then, Livy is prepared to imply divine intervention to this degree, why is the prodigy list displaced? Perhaps because of something more specific. For one thing, prodigies would make it appear that Rome is under threat, and hence might lose, but Livy has no desire to make it seem that the result is in the balance — his whole narrative is geared towards giving the reader the impression that the result is inevitable, that Hannibal's military genius does not fail, but that even this is not sufficient to defeat Rome[130] — note in particular 30.35.4-11, where Hannibal's tactical skill at Zama is set out

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[125] On this episode see Stübler (1941), 162-70; S. Cavallin, "Avant Zama: Tite-Live 30.29-31", *Eranos* 45 (1947), 25-36; A. Lambert, "Nochmals 'Avant Zama': Livius 30.29-31", *Eranos* 46 (1948), 54-63; S. Cavallin, "Nochmals 'Avant Zama': Livius 30.29-31", *Eranos* 46 (1948), 64-71; Burck (1966), 440-52; I. Edlund, "Before Zama: A Comparison between Polybios' and Livy's Descriptions of the Meeting between Hannibal and Scipio", *Eranos* 65 (1967), 146-68.

[126] See Stübler (1941), 164-70, although he goes too far in seeing Hannibal as impious here — Edlund (1967), 164-6 has a more balanced account.

[127] 30.32.9: 'ominatur, quibus quondam auspiciis patres eorum ad Aegates pugnaverint insulas, ea illis exeuntibus in aciem portendisse deos'.

[128] 30.32.8: 'ad hoc conloquium Hannibalis in secreto habitum ac liberum fingenti qua volt flectit'.

[129] 30.32.11: 'celsus haec corpore voltuque ita laeto ut vicisse iam crederes dicebat'.

[130] Edlund (1967), 167-8.

in great detail, and he is said to have been admired by Scipio and all military experts for it (30.35.5).[131]

Secondly, we may examine the significance of the actual position that Livy gives to the list. Its position after the battle might at first sight appear anti-climactic: it would seem strange to have a threatening set of prodigies after all threats have apparently vanished. Livy, however, converts his account into something more appropriate after such an important victory by spending over half the passage describing the prodigious flooding of the Tiber, which miraculously subsided on the day of the Ludi Apollinares (30.38.11-12):

> ceterum ludorum ipso die subita serenitate orta pompa duci coepta ad portam Collinam revocata deductaque in circum est cum decessisse inde aquam nuntiatum esset; laetitiam populo et ludis celebritatem addidit sedes sua sollemni spectaculo reddita.

Thus he turns the list into something positive, and ends the last prodigy list of the war with a scene of celebration, the importance of which is emphasised by the rather grander diction, concluding with a fourfold alliteration in an archaic and solemn manner.[132]

A further reason for this displacement may perhaps be seen in the fact that the Ludi Apollinares are mentioned at all — they were held in July,[133] and thus any prodigy list which involved them would seem to have to come late in the year. This cannot have been the only motive — he could simply have omitted this prodigy if it had conflicted with his general design. It was useful, however, to have a prodigy which both was capable of unusually optimistic treatment, and which, for chronological reasons, had to be treated in the part of the work where optimism was appropriate. It may also be significant that the Ludi Apollinares were established at 25.12.9-15 in response to the prophecies of Marcius promising future victory (above, 53): there is thus a certain point to their reappearance here in the context of that victory.

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[131] Compare Polybius 15.15-16.

[132] For the effect of such alliteration see J. Marouzeau, *Traité de stylistique latine* (Paris, 1935), 46-8; J.P. Packard, *Official Notices in Livy's Fourth Decade: Style and Treatment* (unpublished dissertation, Chapel Hill, 1969), 57-8, 202; note however the scepticism of F.R.D. Goodyear, *The Annals of Tacitus*, volume 1 (Cambridge, 1982), 336-41.

[133] Wissowa (1912), 295, 455.

Conclusion

The project with which we began this chapter was the examination of the prodigy lists: to see to what extent Livy varies their position, length and content in order to integrate them into the surrounding narrative, affecting the human action and being related in particular to questions of piety and impiety. The results that have been reached are very striking: of the seventeen lists of this decade, no fewer than thirteen have undergone a transformation of this sort, either being displaced to the end of the year to ensure that their ominous impact appears at the appropriate moment, or being shortened or lengthened in order to increase or decrease their impact according to the requirements of the narrative, while others have contained features that transform the ominous impact, at least in part, into a good one. It has further been shown that this is matched by other religious material in the narrative, which is treated in such a way as to link it with the prodigy lists, and that both the lists and the other material are intimately bound up with the overall aims of the story.

It can thus be seen that there is a consistent religious theme underlying the story of the Second Punic War in Livy: the divine, virtually whenever it appears, serves to reinforce the idea that piety is rewarded, that impiety is punished, and, more generally, that the Roman victory has been guaranteed in advance by the gods. This idea is only rarely present on the surface, but it is present in most parts of the narrative. Nevertheless, it is not used simplistically, simply to divide characters into the pious and the impious — it often, as with Roman behaviour in Sicily, reinforces a sense of extreme moral complexity. It is furthermore bound in with other important themes, such as the idea of long-term Roman decline, and the charismatic but ambiguous character of Scipio, who is essential to the Roman victory. Other generals, in particular Flaminius, Fabius and Marcellus, are also characterised with respect to religion, and in each case these aspects of their characters can be seen to be tied to the overall religious ideas of the war.

The Third Decade therefore has a clear religious character, and may be used as a model with which we may compare Livy's treatment of religion in other decades: we can ask to what extent they show the same religious ideas, and whether they integrate them as consistently into the narrative. To answer this question, let us continue the project set out at the end of the introduction, of basing the study of religion in Livy around an examination of distinctive features in the prodigy lists: let us therefore turn now to the Fourth Decade, which contains more such lists than any other part of the work.

CHAPTER THREE

THE FOURTH DECADE

In the Fourth Decade, we immediately discover a striking difference from anything that we have so far encountered: the year 201, in the course of which the decade begins, contains no prodigy list at all. Klotz suggests as a reason for this that the sequence of narrative here leaves little room for a prodigy list, since Livy plunges straight into an account of the first movings in Rome towards the Second Macedonian War, without any annalistic preamble.[1] This, however, is not strictly accurate: annalistic material is present, though displaced to the end of the year (31.4.5-7), and Livy could easily have fitted in a prodigy list here, had he so desired.

More significant is that this is the first list of the pentad.[2] Just as the list is displaced from the beginning of Book 26 (above, 57-9), as the tide turns towards the Romans in the Punic War, so it might be thought inappropriate to begin a pentad which will see the Roman victories over King Philip with prodigies that would, if anything, presage disaster — the year is only four chapters long, and so simple displacement would be ineffective. Support for this explanation comes with the other religious material in the opening chapters of the book, material which is entirely optimistic. The Romans perform a number of pious acts in quick succession: at 31.4.5-7 they hold the *ludi Romani*, and there is an *instauratio*;[3] then the *plebei ludi*, likewise with an *instauratio*, and a banquet to Jupiter 'ludorum causa'. Then, at 31.5.2-7, the Senate decrees a set of sacrifices for success in the coming

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[1] A. Klotz, "Über die Stellung des Cassius Dio unter den Quellen zur Geschichte des zweiten punischen Krieges", *RhM* 85 (1936), 85.

[2] Prodigies are also removed from the beginning of Books 21 and 36, which might suggest that Livy considered the opening of a pentad, even when, as with 21, Roman defeat rather than victory is in the offing, an inappropriate place for such material. However, our sample is too small, especially with the loss of the opening of Book 41 (below, 104-5), to draw such a conclusion with any degree of certainty. After all, 26, 31 and 36 are all preludes to Roman victories, while in 21 Livy had other strong motives for displacement, since it allows him to have two sets of prodigies in quick succession before Trasimene at the beginning of the following year (above, 38-40).

[3] On *instauratio* see J. Briscoe, *A Commentary on Livy Books 31-3* (Oxford, 1973), 66 with bibliography.

war, which are performed, and accepted by the gods: the haruspices explicitly promise that an expansion of the Roman empire will follow.[4] Shortly afterwards, at 31.8.2-3, there is a *supplicatio* for success in the war, and the fetials are consulted to ensure that the war should be properly declared in accordance with religious ritual. Finally, at 31.9.5-10, prayers and vows are performed with a scrupulous regard for correctness: an extensive debate over the correct wording of a vow is recorded at 31.9.7-10. The overall impression left by these four passages so close to one another is clear: the Romans are setting off to war with a meticulous and scrupulous attention to all matters divine and are accordingly assured of success. It therefore looks as if Livy has removed the prodigy list for 201 in order to begin the pentad with material which is more appropriate for the forthcoming Roman victory.[5]

However, with the prodigy list for 200, at 31.12.5-10, this positive material is undermined. While it is short by comparison with those of the Third Decade, Livy lays especial stress on the unnatural births that form the greater part of it — he calls them 'obsceni fetus' (31.12.6), and of them it is said 'foeda omnia et deformia errantisque in alienos fetus naturae visa; ante omnia abominati semimares, iussique in mare extemplo deportari' (31.12.8). The reason for such things to appear in this context may be found in the immediately preceding passage — a theft from the temple of Proserpina at Locri, which the Senate hastened to make good (31.12.1-4); despite this, the prodigy list follows without a break, and the juxtaposition alone would be enough for Livy to put a connection between the two in the reader's mind, even if this were not reinforced by a sentence which suggests that people believed such a connection to be operating (31.12.5): 'curam expiandae violationis eius templi prodigia etiam sub idem tempus pluribus locis nuntiata accenderunt'. The Roman impiety at Locri has, it seems, wiped out the earlier impression of piety, and has led to divine threats to the Romans on the eve of war.

If the positive side is to prevail, the expiation must be seen to make amends for the fault: and in fact the description of the expiation is longer than that of the list itself. Its detail is also significant. Even after the drowning of the hermaphrodite, the decemvirs are consulted, and the ceremony that they prescribe is identical (though told more briefly) with the intricate expiation at 27.37.11-15, in the critical year 207 (above, 65-6).

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[4] 31.5.7: 'precationi annuisse deos haruspices respondere, laetaque exta fuisse, et prolationem finium victoriamque et triumphum portendi'.

[5] This in turn may be related to other optimistic material at the opening of this book, such as Ptolemy's offer of support for Rome (31.9.1-4), and the aid given by the Carthaginians and Masinissa (31.19.1-4).

Livy is presenting the Romans as doing everything in their power to atone for the fault and to go into the war with a clean slate.

We may contrast this with Livy's treatment of Philip in the second half of the book.[6] Again and again he emphasises his sacrilegious behaviour:[7] at 31.24.18 and 31.26.10-12 he ravages indiscriminately the sacred sites around Athens, and this forms the chief topic of the Athenian complaint against him to the Romans (31.30.4-11).[8] At 31.46.4 he burns 'sacra profanaque' around Pergamum. The theme is reintroduced on a couple of occasions in Book 32: at 32.21.21-3 Aristaenus reminds the Achaeans of Philip's impieties, and at 32.33.5 the Pergamene ambassador demands that he should restore the Nicephorium and the temple of Venus that he had destroyed.[9] Philip's response to the last is noteworthy (32.34.9-10):

> nam quod ad Nicephorium Venerisque templi restitutionem attinet, quid restitui ea postulantibus respondeam, nisi quo uno modo silvae lucique caesi restitui possunt, curam impensamque sationis me praestaturum.

The same comment is found at Polybius 18.6.4; however in Polybius its overtones are very different, since he shows Flamininus laughing at it as a joke. The Roman consul finds the comment amusingly inoffensive, and hence the reader, also, is encouraged not to take it seriously. Nothing of this appears in Livy; consequently in his version Philip's irony appears inappropriate and even sacrilegious.[10] In the light of all of this, Philip's claim to Flamininus at 32.32.14 that 'neminem equidem timeo praeter deos immortales'[11] has something of a hollow ring. The overall effect, especially when contrasted with the Roman piety and the divine promises associated

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[6] A similar contrast, though in more general terms, between Philip's impiety and the Romans' piety appears at Diodorus 28.3.

[7] Much of this probably comes from Polybius, who lays great stress on Philip's impiety in attacking temples on other occasions — see 4.62.2-4, 5.9-12, 7.14.3, 9.30.2, 11.7.2-3, 16.1.4-6, and compare Diodorus 28.3, 5, 7. At 5.9.3-6, however, he spares the statues of the gods, and believes, though wrongly, that he is acting piously, and at other times in his early career, such as 4.73.3, 5.14.8, 7.12.1, he performs religious acts. Livy's Philip in this respect does not even have the saving grace of an initial tragic delusion, and is never shown as performing a religious act in the whole pentad.

[8] E. Burck, "Einzelinterpretation von Reden", in *Wege zu Livius*, ed. E. Burck (Darmstadt, 1966), 458-9.

[9] This is taken virtually unchanged from Polybius 18.2.2.

[10] H. Tränkle, *Livius und Polybios* (Basel &c., 1977), 185 claims that Livy has misunderstood Polybius here, and that he believes that the conflict was only about a grove of trees; Livy's Philip, on this view, is genuinely offering to make recompense. However, 'templum' of a named deity implies a building, and Livy has referred to Philip's tendency to inappropriate humour just before (32.34.3). The irony is more subtle than in Polybius, but still present.

[11] The phrase is from Polybius 18.1.7: 'φοβεῖσθαι μὲν ἔφησεν ὁ Φίλιππος οὐδένα πλὴν τοὺς θεοὺς'.

with that piety, is to make it seem that his forthcoming defeat is the result of his behaviour here.

In Book 31 we can therefore see the prodigy lists and other religious material being used to foreshadow the war in an appropriate manner. This, however, is not true of Book 32, which begins with the rather uninteresting list for 199 (32.1.10-14): it comes immediately after the fulfilment of vows in 32.1.9, and the final expiation of the previous year's impiety at 32.1.8, but there is no indication, unlike in Book 31, that this has any significance beyond the fact that the available annalistic material is placed together. Luce suggests that Livy's material was so thin at this point that he was just including everything he found,[12] and this passage, at any rate, which seems to serve no particular purpose, does little to prove him wrong. The same applies to the list for 198, at 32.9.1-4. There is no sense here that Livy sees the supernatural events of the list as having any connection with the rest of the book.

The prodigy list for 197 (32.29.1-2) is as jejunely treated as its predecessors: a fact, however, which we must attribute to design on Livy's part, rather than simple paucity of material, for he introduces no fewer than six prodigies in the space of a few lines, which he could certainly have expanded if, as Luce suggests, the filling out of his material was everything to him here. The year is that of Cynoscephalae, the climactic battle of the Second Macedonian War, and it has already been observed that prodigy lists tend to be played down when a major military engagement is in the offing (above, 47-9): on such occasions Livy seems especially keen to attribute defeat or victory to purely human factors. This may be true here also, and this impression is perhaps reinforced by a certain degree of linguistic confusion in the narrative:[13] Livy is less interested in religious material at this point.

In Book 33 religious material is even sparser, and once again there seems to be little attempt to connect it with anything else in the book. At Cynoscephalae itself, with which the book opens, there is an interesting omission. At 35.48.13 Archidamus refers to Flamininus at the battle 'auspicantem immolantemque et vota nuncupantem sacrificuli vatis modo in acie'. In the actual account of the battle in Book 33 there is no indication of this: and it cannot be simply because Livy is avoiding criticism of Flamininus, since such piety on the battlefield, although sneered at by

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[12] T.J. Luce, *Livy: The Composition of His History* (Princeton, 1977), 48.

[13] Briscoe (1973), 224 points to the confused syntax of 32.29.1: 'quod aedes Vulcani Summanique Romae, et quod Fregenis murus et porta de caelo tacta erant, et Frusinone inter noctem lux orta &c.'.

Archidamus, is generally regarded by the author as highly creditable.[14] It may well be that, once again, Livy is avoiding attributing the result of a major battle to the gods. Livy also does not have the story found at Plutarch, *Flamininus* 7.7, in which Philip mistakenly addresses his soldiers from the top of a grave-mound, which is taken to be a bad omen. This is not in Polybius, who was Livy's source for the battle,[15] and may be a late invention, but it may represent a tradition available to Livy from his Roman sources.

The prodigies for 196, at 33.26.6-9, are again told fairly briefly, with the expiation, as in 198 and 197, being mentioned only in a single line. It is hard to see any particular reason for this — Luce remarks that the whole of this annalistic section is compressed in order that the peace with Philip and Flamininus' proclamation of Greek freedom should be placed at the centre of the central book of the pentad:[16] the prodigies simply get caught up with the rest of it.

With 195 we come to the second year of the decade where a prodigy list is missing: all we have is a note at the start of the year (33.44.1-2) of the fulfilment of the *ver sacrum* that had been vowed at 22.9.10-10.6:

> provinciis ita distributis, consules, priusquam ab urbe profiscerentur, ver sacrum ex decreto pontificum iussi facere, quod A. Cornelius Mammula praetor voverat de senatus sententia populique iussu Cn. Servilio, C. Flaminio consulibus. annis post uno et viginti factum est quam votum.

This would seem to be the natural place for a list, so why is it omitted? It could be because of the positive religious fulfilment of the 'spring', which might make it seem unlikely that the gods would be angry — but according to 34.44.1-3 the ceremony was improperly performed. Or possibly Livy did not wish to allot a disproportionate amount of space to religious matters — but the narration of the *ver sacrum* is not so long that an extra couple of lines of prodigies would seem out of place. Moreover, while the year is very eventful, including the flight of Hannibal to Antiochus, the repeal of the *lex Oppia*, Cato's campaign in Spain, and Flamininus' war against Nabis, none of these seems to provide an adequate explanation for the omission of

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[14] Plutarch has the same story (*Comparison of Philopoemen and Flamininus* 2.6), but in a version which makes it look rather more like fear and less like piety, no doubt in order to accentuate the contrast with the personal courage of Philopoemen: Archidamus contrasts his own attack with Flamininus 'τὰς χεῖρας εἰς τὸν οὐρανὸν ὑπτίας ἀνατείναντος ἑστῶτος καὶ προσευχομένου'.

[15] H. Nissen, *Kritische Untersuchungen über die Quellen der vierten und fünften Dekade des Livius* (Berlin, 1863), 141.

[16] Luce (1977), 45.

the list. It is in fact striking that, in the debate over the *lex Oppia* at the beginning of Book 34, religious material is almost entirely absent, despite the fact that the law itself appears to have expressly qualified its sumptuary restrictions in the case of a religious festival (34.1.3). Cato (34.3.8) and Valerius (34.5.10) both refer briefly to the *matronae* having received the Magna Mater, and Cato complains about the mocking of traditional religious statuary (34.3.4-5), but, this apart, such an important moral discussion is given no religious significance. This shows once again the relative unimportance of religion in these books; Livy passes up the chance both to give this episode a full religious dimension, and to introduce a prodigy list to enhance this.

Could the omission of the list be connected with the consulship of the stern moralist Cato? It seems unlikely. Admittedly, when Scipio was consul in 205 the prodigies were largely removed from the year (above, 66-9). But Scipio played an essential role in the Punic War with which the whole Third Decade was concerned — Cato is not such a key figure in Roman fortunes or, consequently, in Livy's narrative structure. More likely is that Livy is being careless in the use of his sources or the construction of his work. That such carelessness should manifest itself in the omission of a prodigy list, however, is significant. On our evidence so far the lists are playing a considerably more minor role in this decade than in the Third, and this makes it far more likely that Livy would overlook them: he has little interest, even if he includes one, in tying it in with the other themes of his narrative.

In Book 34 there is once again virtually no religious material until the end — as was pointed out above, it is even largely absent during the debate over the repeal of the *lex Oppia*. The new year, 194, comes at 34.43; it is the year of Scipio's second consulship, but it is fairly unexceptional: unlike the year of his first consulship, prodigies are included (34.45.6-8),[17] and the only point of interest is that a version of the death of his former lieutenant Pleminius is found here, at 34.44.7-8, the version of Clodius Licinus, which Livy had himself mentioned when he originally told of Pleminius' death at 29.22.9-10. The fact that the story is here told without any indication of an inconsistency may perhaps suggest, once again, that Livy is treating this section somewhat carelessly. But he may perhaps have a purpose in introducing it: Pleminius' original sacrilege took place during Scipio's first consulship, and there is a certain point to our being reminded of it in his second, since it is an episode which, in Livy's treatment, does not show

[17] As Livy says at 38.53.10, 'quid ad primum consulatum secundum?'.

Scipio in an entirely good light (above, 72-4); the ambiguity of Livy's presentation of him is continued into the new decade.

In 193 we have two sets of prodigies, at 34.55.1-5 and at 35.9.2-5. The first of these offers one point of interest: the rather full and dramatic treatment given to the expiation of earthquakes (34.55.1-4):

> principio anno, quo L. Cornelius, Q. Minucius consules fuerunt, terrae motus ita crebri nuntiabantur, ut non rei tantum ipsius, sed feriarum quoque ob id indictarum homines taederet; nam neque senatus haberi neque res publica administrari poterat, sacrificando expiandoque occupatis consulibus. postremo decemviris adire libros iussis, ex responso eorum supplicatio per triduum fuit. coronati ad omnia pulvinaria supplicaverunt; edictumque est, ut omnes, qui ex una familia essent, supplicarent pariter. item ex auctoritate senatus consules edixerunt, ne quis, quo die, terrae motu nuntiato, feriae indictae essent, eo die alium terrae motum nuntiaret.

McDonald comments on this passage: 'We may note the conventional features of the ritual which it was possible to work up for literary effect ... Livy has combined the appeal of traditional procedure with some personal interest, and has written his account in smooth contemporary style'.[18]

Why should Livy choose this moment to 'write up' one of his lists? There is no obvious answer, but it may be connected with what has gone directly before: the discussion about separating senators from plebeians at the games (34.54.5-8). Livy does not comment on this, but, when presenting the arguments on each side, he puts that for the innovation very briefly,[19] while he immediately afterwards gives several arguments against it at some length. It might be thought that a stronger suggestion of disruption in the divine order is not out of place in the context of an innovation that was so plainly deleterious to internal harmony at Rome. Against this, however, is that the discussion about the games was itself preceded by a set of temple dedications described at equal length that seems to indicate considerable piety by the Romans (34.53.3-7), and the lack of internal harmony is not sufficiently stressed to outweigh this.

A stronger influence on Livy was likely to be considerations of stylistic consistency. Since the preceding annalistic material is recorded in a rather more impassioned manner, it is better not followed by a totally unadorned prodigy list; instead, the transition is made more smoothly, and provides in its turn a prelude to the Ligurian War, the preliminaries of which are described at 34.56, with an unusually dramatic military levy.

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[18] A.H. McDonald, "The Style of Livy", *JRS* 47 (1957), 157.
[19] 34.54.4: 'quod multo ante debuerit tributum ... amplissimo ordine'.

Why, however, should there be a second list in the year at 35.9.2-5? A clue may be found in its position. In the past when we have seen lists displaced from the beginning of the year they have always been placed at its end, and, when we read this passage, it looks as if the same thing is going to happen: the list itself has various other annalistic matters around it, concluding with the election for new consuls in 35.10, which is introduced by the phrase 'in exitu iam annus erat' (35.10.1) — but this effect is illusory, for Livy in 35.11 suddenly introduces a whole new set of material, about the war in Liguria and preparations by Antiochus for a war in the East. This takes us through to 35.20, and only then does the new year actually begin.

It seems clear why it would not be suitable to have so much annalistic material placed at the end of the year: as things stand, the allocation of provinces and so on at the beginning of 192 takes place under the shadow of war with Antiochus,[20] and this effect would be diminished were there a great deal of annalistic material hanging over from the end of 193 separating the two passages. But this does not explain why there is so much material: in particular, the second prodigy list, with which we are primarily concerned, could just as easily have been placed with the rest of the prodigies at the beginning, or indeed could have been omitted altogether, and if the annalistic material were pared down, there is no reason why it could not have been treated in its natural position at the end of the year. Possibly Livy desired the ominous impact of prodigies directly before the new war, but so little seems to be made of them that this can hardly be the primary reason: in contrast to 34.55.1-4, the list here is extremely terse and bare.

The main reason, therefore, concerns not the ominous content of the list, but its formal annalistic style: Livy is providing a formal close to the year — which proves a false close.[21] A fresh start is made which contrasts with the bare annalistic section and provides new movement and impetus leading into the account of the new war. The bareness of the prodigy list emphasises the formality, which gives the epilogue, when it comes, that much more of an impact. By contrast, the list at the beginning of the year involves only earthquakes, and those are treated by Livy in a far less formal manner, since the context there requires something more personal and dramatic.

Less interesting are the prodigies for the following year (192), which return to their usual position at its opening (35.21.2-5). One prodigy, however, stands out: 'quod maxime terrebat, consulis Cn. Domitii bovem

[20] E.g. 35.20.1: 'Romae destinabant quidem sermonibus hostem Antiochum'.

[21] Cf. Luce (1977), 50-3, who criticises what he calls Livy's 'interlocking' technique here.

locutum: "Roma, cave tibi"' (35.21.4). The words 'quod maxime terrebat' draw our attention to this prodigy in particular, and it is perhaps significant that Livy introduces it on the eve of a new war — and a war in which Rome's old enemy Hannibal is to be active,[22] although, in the event, largely ineffective. This interpretation is supported by the fact that it is the consul's ox that is involved: it is rare in Livy to find anyone named in a prodigy list, and for it to be the person in whose hands the conduct of the war will rest gives the prodigy an especially weighty character. Livy is perhaps also using religious material to foreshadow the new war at 35.51.1-4, where the Syrian commander Menippus attacks and kills a group of Roman soldiers at the temple of Apollo at Delium. This is said by Livy to be violating divine law by breaking the asylum offered by the shrine, and also to be against international law, as war had not been declared (35.51.2).[23] Livy closes the pentad with Syrian impiety, and so points to Roman victory.

The general pattern followed in this year is much the same as that in the year before. There is annalistic material at the beginning, and it is returned to for the aftermath of the elections at 35.40, as if to create a false ending for the year, and so to give greater impact to what comes next, when the narration of the final preparations for war is resumed.[24] And, as in 193 the second group of annalistic material included a completely new prodigy list (above, 85), so in 192 at 35.40.7-8 we find a brief reference to an earthquake and a fire, for which there is a *supplicatio*, implying that they were taken as prodigies.[25] It could be argued that this additional set of prodigies is another feature that is to foreshadow the Syrian war that begins in the next book, but this seems unlikely: they are too jejunely narrated to have such an effect. It is far more likely that the intention, as before, is simply to make it appear that the year has come to a close, in order to place additional emphasis on Antiochus' preparations against Rome, which follow it.

Book 36 opens with the events of 191, for which the prodigy list has been displaced to 36.37.1-6, close to the end of the year. As in Book 31 (above,

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[22] The presence of Hannibal in Antiochus' army has been stressed directly before this (35.19), and is continually referred to in the course of the book (e.g. 35.12.14, 35.42-3).

[23] Compare Diodorus 29.1.

[24] Cf. Luce (1977), 52-3.

[25] The passage is claimed by Nissen (1863), 174 as a doublet with the earthquakes at 34.55.1-4, but for this there is no evidence beyond the similarity of the event and of the measures taken. The former is no uncommon occurrence in Italy, while the latter is the standard religious procedure, and so such a duplication would be expected. The events are narrated in different years, which further reduces the likelihood of Livy having mistakenly treated the same event twice over.

78-9), this may be connected with the fact that this is the beginning of the pentad: he did not wish to begin a section that will see a Roman victory with religious material that is fundamentally pessimistic. After all, there is room for prodigies at the beginning of 36 among the rest of the annalistic material that is found in 36.1-4. Indeed, religious material is found here — but, as in Book 31, it is *optimistic* material, favourable omens for the new war: first the new consuls sacrifice and obtain good omens, which the soothsayers take to portend victory in the war against Antiochus,[26] then the Romans make a vow to the gods in return for victory, a vow which Livy emphasises by quoting it verbatim at some length (36.2.2-5). As with Books 26 and 31, therefore, it looks as if Livy is displacing the prodigies away from the opening of the pentad in order to begin it with religious material more appropriate for the forthcoming Roman victory.

Why, however, does he give them the position he does? For he does not put them at the end of the year, but eight chapters before, along with other annalistic material, but not with the account of the elections, which comes, as usual, at the very end of the year (36.45.9). This suggests that the reason is not, as in the two previous years, to bring the year to a false close: this is reinforced by the fact that the list is introduced by the words 'principio eius anni' (36.37.1), which would work against such an effect. Moreover, it is unlikely to be so that Livy can make use of the prodigies' ominous impact, as all of the surrounding narrative is favourable to the Romans. They are still surely being positioned because of their formal style. This annalistic section, which runs from 36.36 to 36.40, acts as a break between the two sections of the book derived from Polybius, the first of which (36.5-35) deals with the crushing of Antiochus' power in Greece at the battle of Thermopylae and the subsequent defeat of his Aetolian allies, the second of which is concerned with the naval battles in the Aegean, as a preliminary to the Romans' crossing into Asia — this is made clear by 36.41, where Hannibal explicitly connects the two. It is highly appropriate, firstly that these two distinct phases of the war should be separated, and secondly that the separation should be in a somewhat lower key and a more formal style, to contrast with the tenser atmosphere and more intricate and fluid political and military action in the East.

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[26] 36.1.1-3: 'P. Cornelium Cn. filium Scipionem et M'. Acilium Glabrionem consules inito magistratu patres, priusquam de provinciis agerent, res divinas facere maioribus hostiis iusserunt in omnibus fanis, in quibus lectisternium maiorem partem anni fieri solet, precarique, quod senatus de novo bello in animo haberet, ut ea res senatui populoque Romano bene atque feliciter eveniret. ea omnia sacrificia laeta fuerunt, primisque hostiis perlitatum est, et ita haruspices responderunt, eo bello terminos populi Romani propagari, victoriam ac triumphum ostendi'.

This apart, there is no religious material of any consequence in Book 36. Book 37 opens with the set of prodigies for 190 (37.3.1-6), which, however, contains no features of note. There is a certain amount of religious material in the remainder of the book, but little that suggests any particular interest in it on Livy's part. At 37.21.7 the Romans are said to plunder the island of Bacchium, and in particular 'quibus ante abstinuerant templis signisque ... hostiliter diripuissent'. In view of the critical treatment of plundering temples in the Third Decade and Book 31, it might seem that Livy is intending here to introduce a theme of Roman impiety, but this is unlikely: the Romans are completely successful in the course of the book, and there are no other references to impiety that might suggest that all is not well in this respect under the surface. Later in the decade, as we shall see, the idea of the corruption of wealth appears, but this is still more than a book away, and can hardly be related to a single brief reference so long before it. Similarly, at 37.33.6-7 there is a reference to the Romans' religious scruples against moving the army on the days when the *ancilia* were carried around the city, and in particular to the scruples of Scipio, as a *Salius*.[27] There is, however, no indication that this piety is of much significance to the rest of the narrative, though the Romans are successful in battle at 37.41-3.

The last quarter of the book covers the first part of the year 189, the third year in the decade in which there seems to be no list at all: the only possibility is a brief notice of floods at 38.28.4 — floods are sometimes associated with prodigies,[28] but Livy gives no reason for us to make such an association here: the bare fact is narrated without even a mention of expiation.

The events of the year itself do not seem to offer any particular reason for the lack of prodigies, and thus the most natural explanation would seem to be that Livy had no room for them. To begin with, in the part of the year given to Book 38, his entire narrative deals with Eastern material and is drawn from Greek sources, with the exception of 38.28.1-4, which has just been discussed, and which comes, as Luce remarks, 'at a natural break in the Polybian material: after the accounts of the Aetolian and Gallogrecian Wars have been finished but before the siege of Same in Cephallenia (38.28.5-29.1) and events concerning the Achaean League and Sparta (30-34)'.[29] The Greek material, moreover, is virtually self-supporting, and extensive Roman material such as prodigies would be manifestly out of place here. If they were to be included, would have to be in the last thirteen

[27] This is derived from Polybius 21.13.7-14.

[28] E.g. at 30.38.10.

[29] Luce (1977), 86.

chapters of Book 37, into which all the Roman events of the year 189 have been placed.

The most obvious position is at the very beginning of the year, at 37.48. This, however, would clearly be unsuitable: the item with which he begins the year is a false rumour of a Roman defeat. With this lively story a prodigy list would seem somewhat out of place, especially given that it leads into Eastern affairs, with the report of the Aetolian ambassadors in the Senate (37.49). Hence the more natural place would seem to be 37.50-1, where the usual annalistic material about the allotment of provinces is found, and, sure enough, at this point a certain amount of religious material is present (37.51.1-4):

> priusquam in provincias praetores irent, certamen inter P. Licinium pontificem maximum fuit et Q. Fabium Pictorem, flaminem Quirinalem, quale patrum memoria inter L. Metellum et Postumium Albinum fuerat. consulem illum cum C. Lutatio collega in Siciliam ad classem profiscentem ad sacra retinuerat Metellus, pontifex maximus; praetorem hunc, ne in Sardiniam profisceretur, P. Licinius tenuit. et in senatu et ad populum magnis contentionibus certatum est, et imperia inhibita ultro citroque et pignera capta et multae dictae et tribuni appellati et provocatum ad populum est.

The 'sacra' for which Fabius is detained are certainly his general priestly duties, rather than, for example, the expiation of prodigies in particular — there could be no other point to the mention of the fact that he was *flamen Quirinalis*. But straightaway after the conflict the consuls and praetors leave for their provinces: thus this episode has occurred at the precise point at which one would expect a prodigy list, and it looks very much as if one set of religious material has been substituted for another. Admittedly, this annalistic material is more dynamic and fluid than usual, and it might be felt that a formal list would jar and feel out of place. This, however, cannot be the sole reason: as we have seen (above, 84), the prodigies can themselves be narrated, if the context demands it, in a much more dynamic manner. Perhaps it is simply that an excess of religious material would overburden the passage — after all, he would not wish to overshadow the major debate between Eumenes and the Smyrnaeans and Rhodians that is about to follow. Or it may be that he does not wish to appear to offer a divine comment on the affair, which smacks strongly of the manipulation of religious ceremonies for political purposes, but which, in the event, came to very little — neither the participants nor Rome in general seems to be visited with disaster as a result of what happened here (and in any event 'religio ad postremum vicit' (37.51.5)). But, whichever explanation is correct, it is striking that he should exclude his prodigy list for the sake of a short

inconsequential (though quite dramatic) story involving fairly minor figures — another example of his neglect of prodigy lists in this decade.

Book 38 contains a little more of religious interest. At 38.18.9-10 the Romans, marching to meet the Gallogrecians, are met by priests of the Magna Mater prophesying their future victory: the consul Manlius says 'accipere se omen', and hence encamps 'eo ipso loco' (38.18.10). Polybius 21.37.5-7 has the same story, and is probably Livy's source,[30] but in Livy there are a couple of significant differences. In Polybius there is no indication that Manlius 'accepts the omen' — the author simply says 'οὓς ὁ Γναῖος φιλανθρώπως ὑπεδέξατο' (21.37.7). Moreover, whereas in Livy Manlius is met 'praeter ripam euntibus' (38.18.9), and only encamps after accepting the omen, in Polybius he is already encamped before the priests arrive (21.37.5). Both of these increase the significance of the prophecy in Livy, since he makes it clear that Manlius both regards it as efficacious and acts accordingly; it may be, however, that the difference between Livy and Polybius here is due not to Livy's alterations, but to compression by the Suda, where this fragment of Polybius is preserved.[31] Then, before the battle, Manlius sacrifices and obtains favourable auspices 'primis hostiis' (38.20.6). This clearly foreshadows his victory, and it may provide an additional reason why the prodigies for 189 should not have appeared in this part of the book; again, however, we are only dealing with a couple of short passages, and too much should not be made of it — it is hard to say that a prodigy list at the start of the book would have conflicted with them.

Later in the book we have two very short prodigy lists in quick succession: one for 188 at 38.36.4 and one for 187 at 38.44.7: the latter is merely a short account of a *supplicatio* on account of a plague, directly before the consuls leave for their provinces — it is as much this positioning as anything else that alerts us to the fact that it is a list at all. It might be thought that the trials of the Scipios, which begin at 38.50, would demand a fuller treatment of prodigies, since it is fairly clear, despite the notorious confusion of the narrative,[32] that Livy saw no good in the picture of Rome racked by internal dissension, culminating in the disgrace and death of her

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[30] Nissen (1863), 204.

[31] F.W. Walbank, *A Historical Commentary on Polybius* (Oxford, 1957-79), volume 3, 149. It fits well with Polybius' general rationalism, however, that Manlius should not be affected by the prophecy. See Tränkle (1977), 165-6, who regards this as an example of Livy's Romanising his original.

[32] Discussed by Luce (1977), 92-104.

greatest hero.[33] However, here, as elsewhere in the decade, he passes up the opportunity to use prodigies for ominous impact.

This is especially surprising when we realise that the trials of the Scipios do not stand alone, but form the climax of a sequence of political disputes: between the consul Aemilius Lepidus and Fulvius (38.43.1-44.6), and between Manlius, the returning commander, and Furius and Aemilius Paullus, who sought to block his triumph (38.44.9-50.3).[34] This last is especially important: the debate centres on the question of whether the war against the Gallogrecians was fought justly, and on the degeneration of the enemy, and is hence related to the theme of moral decline with which much of this part of the work is concerned.[35] This idea is implicit further in the contrast between the lesser figure of Manlius, who is successful at defending himself, and the greater figure of Scipio, who is not.[36]

Much of this has religious implications — as we have seen (above, 7-8), unjust wars and civil strife could be regarded by Romans as impious. Moreover, there is an overtly religious side to this sequence, and a disquieting one. One of the chief accusations made against Fulvius is that he plundered temples;[37] while at 38.46.11-12 Furius and Aemilius explicitly accuse Manlius of violating divine law in his war with the Gallogrecians (compare Manlius' defence at 38.48.14-16). Fulvius and Manlius are nevertheless successful at defending themselves; Scipio is not, despite the fact that he displays overt piety, visiting the temples of the gods among a

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[33] See e.g. 38.50.11: 'satis constaret neminem umquam neque melius neque verius laudatum est'; 38.52.2: 'maior animus et natura erat ac maiori fortunae adsuetus, quam ut reus esse sciret et summittere se in humilitatem dicentium'.

[34] It is possibly significant that these two are separated by the plague at 38.44.7 mentioned above, but it is so short that any relationship between it and the disputes in question would be extremely weak.

[35] See B. Pagnon, "Le récit de l'éxpedition de Cn. Manlius Vulso contre les Gallo-grecs et de ses prolongements dans le livre 38 de Tite-Live", *LEC* 50 (1982), 122-7.

[36] 38.50.4: 'oppressit deinde mentionem memoriamque omnem contentionis huius maius et cum maiore et clariore viro certamen ortum'. See Pagnon (1982), 126-7; also Luce (1977), 254-6 on the way in which Livy plays down the Scipios' responsibility for decline, and plays up Manlius'; though P. Scott, *Qualities of Leadership in Livy's History* (unpublished dissertation, Oxford, 1986), 236-9 points to other respects in which Scipio here, as elsewhere, is more ambiguous.

[37] See 38.44.5, and above all 38.43.5, where the Ambracienses say 'quod se ante omnia moveat, templa tota urbe spoliata ornamentis; simulacra deum, deos immo ipsos, convulsos ex sedibus suis ablatos esse'. However, they are exaggerating here, and Fulvius' guilt is not clear: when describing Fulvius' treatment of Ambracia at 38.9, although he was said to take 'signa', which could include religious ornaments (38.9.13), Livy explicitly added 'nihil praeterea tactum violatumve' (38.9.14). Moreover, the accusations are clearly at least in part prompted by political envy — Aemilius is said to have 'ad invidiam ei faciendam legatos in senatum *subornatos criminibus* introduxit' (38.43.2). Note also Fulvius' defence at 39.4.11 (discussed below, 92).

crowd of Roman citizens (38.51.8-9, 13).[38] The sense of Roman decline is therefore increased, and related specifically to the religious sphere. The fact that Livy, even when faced with a religious theme that he could relate relatively easily to his prodigy lists, did not do so, is yet another example of the way in which he underplays the idea of the supernatural throughout this decade.

With Book 39 we reach the only part of the decade where a large portion of a book centres around a single theme which might be thought relevant to religion: the idea of external corruption and the Roman response to it. This theme appears at the opening of the book with the triumph of Manlius; it continues with the Bacchanalian conspiracy, and concludes with the censorship of Cato. The second of these episodes manifestly centres around religion: what must now be seen is how it is treated, and whether it is related to other religious material in the book.

Indeed, the book contains a number of religious events near its beginning. At 39.4-5 Fulvius responds to the charges of plundering temples made at the close of the previous book: he compares the booty to that captured from Syracuse, which, he claims, was perfectly legitimate.[39] He further refers to a vow of *ludi magni* that he made when capturing Ambracia (39.5.7). All of this would seem on the surface to clear him from blame (cf. above, n.37), but his mention of Syracuse introduces a certain disquieting note. As we saw in Books 25-7 (above, 56-7, 63-5), the plundering of Syracuse was treated as a key moment in Roman moral and religious decline, and, in particular, the plundering of temples there, though only done, as here, in order to adorn Roman temples, was seen as an act of impiety leading to Marcellus' death. Significantly, we are reminded of that episode here, directly before the triumph of Manlius, which is treated as a further key stage in that decline. Livy has prefigured it at 39.1.3-4, with his reference to the soldiers having been corrupted by Asia,[40] and at 39.6.7 he says of it 'luxuriae enim peregrinae origo ab exercitu Asiatico invecta in urbem est', and goes on to describe at some length the aspects of luxury in question: furnishings, musicians, cooks and banquets (39.6.7-9).[41] He also recounts

[38] The story also appears at Appian, *Syr.* 40.

[39] 39.4.12: 'nisi Syracusarum ceterarumque captarum civitatium ornamentis urbem exornari fas fuerit, in Ambracia una capta non valuerit belli ius'.

[40] Compare 38.17.18, where Manlius warned his soldiers of this very thing, and see in general Pagnon (1982), 120-2 on the way in which this speech of Manlius foreshadows Book 39's theme of Roman corruption and decline.

[41] Pliny, *H.N.* 39.14 provides a similar list, which he says he derived from Piso: but unlike Livy he has no implication that these items were undesirable or led to Roman corruption.

the great wealth displayed at his triumph (39.7.1-2)[42] — this may be compared with a similar account of the triumph of Fulvius just a short time before (39.5.14-17): the two commanders are once again paralleled.

Also interesting is 39.7.8-9, where a mast shatters a statue at the *ludi Romani*. That this should be narrated at the end of the year seems rather strange: the *ludi Romani* took place in September,[43] and yet the episode appears after the triumph of Manlius which, according to 39.6.3, was in March. The reason this is not treated with the prodigy list at the beginning of the year (38.44.7) may be in part that that was dated to just before the *feriae Latinae*, which were usually celebrated in April or May,[44] but this can hardly provide a complete explanation, as the omen is anachronistic in its present position as well. What is more likely is that Livy considers it appropriate to have a bad omen between the triumph of Manlius and the Bacchanalian conspiracy, and so introduces it without regard to strict chronology.

This might make it appear that, unusually for this decade, he is interested in this section in using the supernatural for its ominous impact, but this interest does not extend beyond that one omen, as we see when we examine his treatment of prodigies in 186 (39.22.3-5). It is not that they are short — if anything, they are probably a little longer than usual for the decade — but they have been displaced from the beginning of the year. The most significant aspect of this is that this is the year of the Bacchanalia crisis, the most important incursion of foreign rites into Italy in Livy's whole surviving narrative;[45] moreover, its narration directly after the account of the introduction of *luxuria* into Italy is very striking. Yet Livy declines utterly to use the prodigy list to reinforce this, instead displacing it to the end of the year, by when the crisis has been dealt with.

This can be explained partly by the sequence of narrative that he chooses, since, when the distribution of provinces is recounted (39.8.1-3) he has to explain why the consuls were both to remain at home for the year. The usual sequence of events places prodigy lists after the allocation of provinces, but before the consuls leave for them; here the allocation of

[42] Note also the earlier stress on Manlius' acquisitions during his campaign (e.g. 38.14.10-14, 38.15.14, 38.18.2, 38.27.3-5, 38.40.4). See Luce (1977), 257-9.

[43] G. Wissowa, *Religion und Kultus der Römer* (2nd ed., Munich, 1912), 453-4.

[44] The date was not fixed, but the festival took place soon after the consuls entered office in March (Wissowa (1912), 125).

[45] On the religious, social and political significance of the crisis see C. Gallini, *Protesta e integrazione nella Roma antica* (Bari, 1970); J.A. North, "Religious Tolerance in Republican Rome", *PCPhS* 25 (1979), 85-103; J.-M. Pailler, *Bacchanalia: La répression de 186 av. J.-C. à Rome et en Italie* (Rome, 1988).

provinces leads directly into the narrative of the crisis itself.[46] However, this hardly seems sufficient in itself to explain the displacement of a list which, on the face of things, would seem to belong most naturally at the beginning of the crisis, in order to emphasise the divine threat to Rome that would be expected to arise from such behaviour among her citizens. The answer may perhaps be thought to lie in the way the Bacchanalia episode is treated by Livy. For instance, is its religious side, and, in particular, the offence that the corruption of authentic Roman practice might cause to the Roman relationship with the gods, played down in favour of more 'secular' moral issues?

It is true that a good deal in the Bacchanalia episode seems to pick up the theme of luxury from earlier in the book.[47] The cult comes from the East (39.8.3), and involves its participants in drinking and banqueting (39.8.5-6, 39.15.9), and above all in sexual orgies (e.g. 39.8.6-7, 39.10.7, 39.11.7, 39.13.10, 39.13.14, 39.15.12-14). Moreover, a comparison with the Senatus Consultum De Bacchanalibus (*ILS* 18) suggests that Livy is emphasising the crimes committed by members of the cult, rather than the impiety of the cult itself: in particular, whereas the SC prescribes the death penalty for mere participation, Livy mentions it only at 39.18.4-5 — *before* his account of the SC at 39.18.8-9, where he makes no mention of punishment. He thus associates the extreme measure of the death penalty primarily with the immorality that he is discussing at 39.18.4-5, rather than the question of participation treated in the SC.[48]

However, as has been argued (above, 7-8), such immorality could be held by a Roman to be a religious offence at least in a loose sense; and even more significantly, Livy lays just as much stress on the specifically religious aspects of the affair.[49] The man who introduced the cult is described as a 'sacrificulus et vates' (39.8.3); the ritual accompaniments to the immorality are frequently referred to (e.g. 39.8.8, 39.10.7, 39.13.12, 39.15.6, 39.18.3).[50] Moreover, the consul in his speech lays particular emphasis on

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[46] See J.A. North, *The Interrelation of State Religion and Politics in Roman Public Life from the End of the Second Punic War to the Time of Sulla* (unpublished dissertation, Oxford, 1967), 481.

[47] Luce (1977), 260-1; Pailler (1988), 394-8.

[48] E. Fraenkel, "Senatus Consultum De Bacchanalibus", *Hermes* 67 (1932), 369-96 regards this provision of the SC as incorrect, due to a rewriting by a local official; but see M. Gelzer, "Die Unterdrückung der Baccanalien bei Livius", *Hermes* 71 (1936), 275-87, and the discussion in J.J. Tierney, "The *Senatus Consultum De Bacchanalibus*", *PRIA* (1947), 95-104.

[49] On what follows compare Pailler (1988), 196-211.

[50] Indeed, Livy stresses this even at the expense of a certain consistency: it is hard to reconcile this, when combined with the cult's pervasiveness (below, n.52), with the idea of its sudden discovery — at 39.15.6 he tries to cover this by having the consul say that noises have been heard, but they were unexplained. See North (1967), 63-6.

the contrast between the Bacchic cult and authentic Roman religion (39.15.2-3),[51] and on the danger that the former poses to the latter,[52] which provides the only true access to the divine law (39.16.6-10);[53] a similar contrast may be implicit in Livy's use throughout the piece of the language of conventional piety.[54]

Clearly, then, there is nothing in Livy's treatment of the Bacchanalia crisis to suggest that he is playing down its specifically religious aspects; on the contrary, he emphasises this, and correspondingly reinforces the sense of the centrality of traditional religion to the Roman state (as ever, it is from the standpoint of the traditional rites that he presents his account). It thus becomes especially strange that the prodigy list should appear after it, rather than in its natural position at the beginning of the year. It might be thought that in its new position it is intended to emphasise the traditional religion and the return to normality following the cult's suppression, but if that were the case we should expect the *procuratio* to be rather longer than it is; anyway, the list is separated from the crisis by a short account of the Ligurian War in 39.20-1. All of this makes it unlikely that Livy is connecting it with the Bacchanalia episode at all; once again, therefore, we can see Livy in this decade making no connection between the supernatural and the rest of his narrative, even when the latter seems ready-made for such a connection.

Following this, for two years consecutively (185 and 184) we get no prodigy list at all. One general reason may be the shortness of the years in question:[55] Livy wishes to avoid having too many lists in quick succession. However, Book 40 and Book 41 have just as many lists in no less space, and indeed, as we shall see below, between the end of this very book and the beginning of the next three lists are distributed in a little over ten chapters. A further explanation must therefore be sought.

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[51] See Gallini (1970), 67-9; North (1979), 86.

[52] In this context, observe how the account of the conspiracy has been slanted so as to emphasise the extent to which the Bacchic cult has pervaded Roman society; e.g. 39.8.5: 'vulgari coepta sunt per viros mulieresque'; 39.9.1: 'huius mali labes ex Etruria Romam veluti contagione morbi penetravit'; 39.13.14: 'multitudinem ingentem, alterum iam prope populum esse; in his nobiles quosdam viros feminasque'; 39.15.6: 'Bacchanalia tota iam pridem Italia et nunc per urbem etiam multis locis esse, non fama solum accepisse vos sed crepitibus etiam ululatibusque nocturnis, qui personant tota urbe'; 39.15.8: 'multa milia hominum esse'; 39.15.10: 'incrementum ingens virium habet, quod in dies plures fiunt'; 39.16.2: 'numquam tantum malum in re publica fuit'; 39.16.3: 'iam maius est, quam ut capere id privata fortuna possit: ad summam rem publicam spectat'.

[53] See in particular 39.16.9: 'iudicabant enim prudentissimi viri omnis divini humanique iuris nihil aeque dissolvendae religionis esse, quam ubi non patrio sed externo ritu sacrificaretur'.

[54] E.g. 39.9.4: 'benignitate deum'; 39.10.2: 'dii meliora'; 39.10.5: 'pacem veniamque precata deorum dearumque'; 39.11.7: 'dii propitii essent'.

[55] 185 runs from 39.23.5 to 39.32; 184 from 39.33 to 39.45.1.

In 185 the main reason seems to be the total absence of the usual annalistic material: at the apparent beginning of the year, 39.23.5,[56] Livy plunges into a discussion of the causes of the Third Macedonian War without even the slightest annalistic preamble. It is not before 39.29.10 that the consuls set out for their provinces, and even this fact is only mentioned in the briefest possible note tacked on to the end of an account of L. Manlius' triumph and a slave riot in Apulia. From there we move to an account of the campaign in Spain (39.30), and (briefly) in Liguria (39.32.1-4); after that comes the only annalistic material in the year, with the election in 39.32.5-16. This is for Livy a completely novel way of organising his narrative, and one result of it is that not only prodigies, but all the usual details of such things as the allotment of provinces and the deaths of notable figures have been squeezed out. The only possible places for them are with Manlius' triumph in 39.29 or the election in 39.32, and neither could have comfortably taken this. Both are short, and to have included such material would have given a formal character which would run completely counter to what Livy seems to be aiming at in the year as a whole. The second passage, in particular, is so dramatically told that annalistic material would have seemed especially inappropriate.

Livy's new arrangement of his material, moreover, is carried on to the next year. Once again, we begin with events in Greece, introduced by the reception of the Greek ambassadors before the Senate in 39.33.2 and the arrangement by the Senate for a new Roman embassy to Greece to sort out matters there (39.33.3-8): their activities in Greece are described at 39.34-7. As before, we then return to events in Rome: though here there is a certain amount of annalistic material, with the distribution of provinces and the assigning of armies. This would seem a fairly obvious place for a prodigy list if there was to be one at all: that there is none is, once again, perhaps partly due to the dynamic nature of the material — the bulk of it is concerned with a conflict of the old and the new praetors (39.38.4-12) as to whether the former should bring their armies home.[57] This leads to a further conflict, for the election of a *praetor suffectus*, following the death of one of those previously elected (39.39); and, after this, a lengthy account of the election for censor, followed by a description of Cato's activities in

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[56] This first section, as it only provides background material, might equally well be assigned to the end of the previous year: however, 185 has no formal beginning, but the beginning is assumed to have already happened when Livy eventually returns to affairs at Rome in 39.29.4. The only thing that resembles a formal break is 39.23.1-4, which narrates the elections at the end of 186, and it seems reasonable to assume that this was intended by Livy to mark the end of the year.

[57] The return of undisbanded armies was necessary if a triumph was to be granted to the general, unless the province had been completely pacified: see 39.29.5.

this sphere once he had been elected (39.40.1-44.9). This carries us through to the end of the year, where a short note informing us of the result of the consular election appears (39.45.1). The absence might be thought to be related to Cato's censorship, which forms part of the theme of the Roman response to corruption and luxury of the sort introduced by Manlius, which is so important in this book — we should observe in particular the clearing up of the last remnants of the Bacchanalian conspiracy at 39.41.6-7.[58] As we saw with the *lex Oppia*, however (above, 82-3), there is little religious material in the account of the censorship: more likely, then, as before, is that prodigies would have been considered out of place against a background where even the annalistic material is very dramatic. But prodigies too could be treated in a dynamic and dramatic manner, and had Livy attached more importance to them, he would surely have done something along these lines to ensure their inclusion.

In the next year (183) Livy returns to his accustomed order of narrative, and, perhaps largely in consequence, prodigies reappear. There is a list in the expected place at the beginning (39.46.3-5) before the consuls set off for their provinces. What is more surprising, however, is that there is a second list at the end of the year, after the elections. This second list is unlikely to have been displaced from 182, which has a list of its own. Moreover, in both lists of 183 one prodigy, a rain of blood for two days, seems to appear. Admittedly, in the first case it is assigned to the precinct of Vulcan, in the second to the precinct of Concordia, but these were sufficiently close to one another to make it highly likely that the same event is being described twice,[59] especially since the prescribed expiation, a *supplicatio*, is identical in each case.

What explanation can be offered, beyond suggesting that the second list is merely an ill-considered afterthought? Let us assume that the reason for the repeated prodigy is that Livy was drawing deliberately and consciously on two annalistic sources (it is hard to believe that it was unconscious, when the two passages occur a mere ten chapters apart), and was misled by the superficial discrepancy of place into believing that two different prodigies were being described. Why did he desire two lists, one at each end of a fairly short year?

One possibility is that Livy wished to have a fairly formal close to quite a varied book, especially when that book, as is unusual, closes with the end of a consular year: compare the ends of 30 and 40, which, at the end of their respective decades, also end with a consular year, and close with sequences

[58] On Cato's hostility to luxury see A.E. Astin, *Cato the Censor* (Oxford, 1978), 91-7; both Livy's and Plutarch's account of his censorship centre on this theme.

[59] Cf. 40.19.2: 'in area Vulcani et Concordiae sanguine pluvit'.

of annalistic material, including prodigies: the ending in a lower key, with some simple account of a regular occurrence, is highly effective.

In addition, we may notice when looking at the first set of prodigies an interesting phenomenon (39.46.3-4):

> in quo [sc. epulo] cum toto foro triclinia strata essent, tempestas cum magnis procellis coorta coegit plerosque tabernacula statuere in foro. eadem paulo post, cum undique disserenasset, sublata; defunctos vulgo ferebant, quod inter fatalia vates cecinissent, necesse est tabernacula in foro statui.

Presumably the original prophecy was taken to refer to something like the tents of an enemy army. This unexpectedly harmless fulfilment of an apparently dangerous prophecy is like nothing else in the later books of Livy,[60] and appears rather strange. The story seems to demand some fuller treatment, with, for instance, the prophecy being introduced beforehand, or with some danger threatened and averted. Treated as it is, as a self-contained anecdote, it seems quite pointless and inconsequential.

In his failure to make anything at all out of a device which seems ready-made for binding together his narrative, or introducing psychological interest, we can see further evidence of the generally minor role allotted to prodigies in these books. However, the fact that he included the prodigy at all, when he had no intention of carrying any of its implications through, is itself significant. It suggests that he is lengthening his prodigy material, which was desirable if only because this is the first list since 39.22, three years earlier. It also allowed him to blend the list into the funeral games of Licinius, which would be useful if he were planning to include another list later in the year — it might seem excessively repetitive to have two lists introduced in the standard manner in such quick succession.

There is little to say about either of the first two lists in Book 40 (that for 182 at 40.2.1-4 and for 181 at 40.19.1-5). In the second, one of the prodigies, at 40.19.3, is a virulent plague that struck the city; unusually, this forms a theme that is carried over into the narrative proper. Thus at 40.19.6-8 we are told that, because of the plague, troops cannot be raised to deal with a revolt in Corsica and Sardinia, and instead must be transferred from Cn. Baebius' army at Pisa. This has repercussions of its own, for at 40.25.7-10 Aemilius Paullus, requiring help against the Ligurians, writes to Baebius, but Baebius has already handed over his army, and is therefore unable to give active support. Aemilius is thus deprived of one source of

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[60] The type is perhaps best known from Celaeno's prophecy at Virgil, *Aen.* 3.255-7, fulfilled at 7.107-34.

aid, and in 40.26.5-6 the plague deprives him of another, because the consuls cannot complete their levy in time, and thus set out for Liguria late. However, there is no indication of any Roman wrongdoing for which this might be a punishment, and there is no ultimate damage to the Roman cause, for Aemilius is victorious in any case (40.27-8). While, uncharacteristically for this decade, a prodigy is significant for the narrative, its significance lies entirely on the human level, and it does not have substantial overtones of divine intervention.

The theme of the plague carries over into the next year, where, once again, it is said to hinder the levy (40.36.14), and thus leads directly into the account at 40.37.1-7 of the deaths of a number of distinguished men, including a consul and a praetor. This is treated as a prodigy, and is accepted and expiated in the appropriate manner; in fact it is the only prodigy material that we get for the year. The obvious implication of its juxtaposition with the plague is that it is the former that has caused the latter. But Livy does not explicitly make this connection: instead, the suggestion is put forward at 40.37.4-7 that the praetor, and in particular the consul in question, had been poisoned, and the consul's wife Hostia was convicted of her husband's murder. A few chapters later, in 40.42.6-13, we get another report of the death of notable men, and this time it is directly attributed to the plague. It is unnecessary to assume that the duplication of the theme is due to Livy's use of two different sources. The end of the year is the usual place for the deaths of notables such as priests to be recorded, and thus this explains the placing of the second passage. It would be impossible to include the deaths of the consul and praetor at this point, however, since, as transpires in 40.41, the *consul suffectus* Fulvius Flaccus is elected in time to take the field for that year's campaign, and thus the death of his predecessor has to be narrated earlier.

The only thing that is perhaps surprising is that no other prodigies for the year are introduced at all. But there is no reason to doubt that Livy found in his sources that the deaths were treated as a prodigy, and even if, as seems reasonable, other prodigies were reported at the same time, the omission of them enables Livy to retain the concentration of his narrative. Other prodigies would distract from the main flow, unless they were made into some kind of ominous comment on the affair. This, however, as we have seen again and again in the Fourth Decade, Livy is highly reluctant to do.

In 179 we once again get two sets of prodigies: one at 40.45.1-6, the other at 40.59.6-8. It seems fairly clear that the latter are intended to be set in this year, despite the fact that they are postponed until after the account of the elections for the magistrates of 178. The question is slightly complicated by the loss of the opening of 41, so we cannot tell whether or not the book

opened with a formal account of the new year. The presumption, however, is surely that Livy would not end a decade with an isolated set of incidents belonging to the next year — and, moreover, belonging to about halfway through the next year, since the *ludi Romani* were held in September (above, n.43).

This very dating of the *ludi Romani* makes the position of the list somewhat queer at first sight: why should a story of this sort be placed in the context of an election that occurred at the precisely given date 'ante diem quartum Idus Martias' (40.59.5)? The obvious answer, given what was said about 39.56.6 (above, 97), is that Livy wished to end the book, and consequently the decade, on the quieter, more formal note of a prodigy list. The first list makes perfect chronological sense where it is: the *feriae Latinae* took place in April or May, and the dislocation of the Roman calendar in the early second century meant that these months fell in mid-winter.[61] It is thus quite appropriate that these prodigies, most of which are concerned with winter snow and storms, should appear at the beginning of the year. The second list is not chronologically appropriate, but makes sense if, as has been suggested, Livy would have desired to end his decade with such a passage.

There is, however, a further complication. At both 23.30.16 and 39.7.8-10 episodes concerned with the *ludi Romani* are placed at the end of the year: the latter is particularly interesting, because, as here, it follows immediately after an incident dated precisely to March (the triumph of Manlius just before the Nones), and, moreover, it occurs in the second prodigy list of the year, the first, at 38.44.8, containing, as the first list for this year had done, a reference to the *feriae Latinae* (above, 94). Not merely the displacement, but this displacement in the context of such accurate dating, leads one to wonder whether there is not some further point concealed here. Could it be, for example, that Livy did not recognise that the *ludi Romani* were in September? This seems unlikely: there is no evidence that its date had ever changed and was, moreover, by Livy's day one of the major festivals of the Roman calendar.[62] To assign it to some aberration in Livy's sources does not help us. Even if Livy twice or three times found his annalistic source with an event from September placed at the end of the year, he was not obliged to follow it: he could easily have omitted or transposed the relevant scenes once, as he surely would, he noticed the chronological inaccuracy. Since no reason can be discovered, therefore, which provides a single explanation for all three passages, we must fall back on our original

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[61] J. Briscoe, *A Commentary on Livy Books 34-7* (Oxford, 1981), 25.
[62] G. Dumézil, *La religion romaine archaïque* (2nd ed., Paris, 1974), 563.

arguments for the reasons for this particular arrangement. Moreover, a clear failure of chronology within an essentially chronological framework has an effect of its own. Placed at the end of the year, as with the cited examples, it gives the impression of a formal, gazetteer-like close, summarising the remaining events that have failed to be included in the narrative proper: this is certainly appropriate at the end of 40, at any rate.

One further point about Book 40. Much of it is taken up with the tragic fall of Philip, who is led by his son Perseus to kill his other son Demetrius and leave him as his heir. Livy relates this to the curses of the people over the family of Poris, who committed suicide *en masse* rather than fall into the king's hands; he says 'quae dirae brevi ab omnibus diis exauditae, ut saeviret ipse in suum sanguinem, effecerunt' (40.5.1). This is the only indication that Livy has of the gods at work in the destruction of Philip; Polybius, by contrast, has a long disquisition on the way in which τύχη was punishing him for the crimes of his career (23.10.1-16).[63] Polybius was probably Livy's source for this part of the book,[64] which makes it especially surprising that he should have passed up the opportunity for linking Philip's fall with his earlier impieties (above, 80-1),[65] and should only relate it briefly to the gods' punishment for a single recent crime.[66] We can thus see that it is not merely a lack of material that is causing Livy's lack of interest in these books in religion in general and the supernatural in particular: even when the material is presented to him, he makes little use of it.[67]

The only part of the story of Philip in this book that is given a religious significance is its very end. He has been planning a new war against Rome, and Livy informs us at 40.57.2 that his death weakened Macedon for that war.[68] As we saw in Book 35, Livy ends the pentad by preparing the reader for the war that will begin in the next pentad. True, the war in question was not to begin for another eight years, but five of those years are

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[63] On Polybius' 'tragic' treatment of the end of Philip's reign see F.W. Walbank, "Φίλιππος Τραγῳδούμενος: A Polybian Experiment", *JHS* 58 (1938), 55-68.

[64] Nissen (1863), 234.

[65] Tränkle (1977), 95-8 regards this as the result of his dislike of the Polybian notion of τύχη, but this would hardly explain why he avoids the connection with Philip's earlier crimes, which it would seem easy enough to translate into the divine machinery of 'dirae ... ab omnibus diis exauditae' which he is already using.

[66] Note also that Diodorus 29.25 regards the deaths of Apelles and Philocles as divine punishment for their involvement in the murder of Demetrius. In Livy there is no hint of this: indeed, it seems from 42.5.4 that Apelles, at any rate, was not killed by Philip but only exiled.

[67] See also C. Gouillart, *Tite-Live Histoire Romaine Tome XXX, Livre XL* (Paris, 1986), xcviii-cii on the way in which Livy eschews the divine in the story of Philip in favour of creating a psychological tragedy.

[68] 'peropportuna mors Philippi fuit ad dilationem et ad vires bello subtrahendas'.

covered by Book 41, and so Livy can safely treat it as something in the not too distant future. Moreover, Livy foreshadows the war by using the supernatural, when at 40.58.3-7 the Bastarnae, on their way to join the Macedonians, are driven back by a storm. He does not explicitly say that this storm was divinely caused, but he strongly implies it: it is compared to the storm that fell on the Gauls as they plundered Delphi (40.58.3), and the lightning seems to be attacking them personally;[69] they themselves attribute it to the gods, and disband. In the build-up to the next pentad we conclude with an indication that the gods are on the Romans' side.

Conclusion

First, unlike in the Third Decade, variations in prodigy lists, when they occur in the Fourth, rarely seem to be due to a desire on Livy's part either to use or to avoid the lists' ominous impact. The main exceptions to this are the lists at the beginning of the separate pentads. In general, when variations occur — and they occur quite frequently, especially in the positioning of the lists — it is not because of any connection between the content of the list and the main narrative. It tends rather to be due to the particular effect of a prodigy list on the tone of the narrative (e.g. to stress the continuation of Roman institutions or to provide a sense of formality), which may be more desirable in one place than in another. Alternatively it may be that Livy simply wished to retain or not to interrupt a particular narrative sequence — this point becomes especially significant in Books 35 and 39, where we can see him experimenting and moving away from a strict annalistic narrative, since the annalistic framework, at any rate, provided him with natural points at which prodigies might be inserted.

Moreover, prodigy lists here are generally shorter than in the Third Decade, which indicates once again the lesser role allotted to them. The degree of variation allowed points to the same explanation, especially when one considers that the direction in which Livy gives himself the greatest leeway is that of extreme curtness or outright omission, the latter being a liberty which Livy has not earlier permitted himself.

Livy makes relatively little of his other religious material also: even when his story seems to give him an opportunity for the introduction of a religious theme, he often plays the religious side down, the main exceptions being the Bacchanalia crisis, and the very beginning and ending of each pentad. Moreover, even when other religious material is present, and is not being

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[69] 40.58.5: 'fulmina etiam sic undique micabant, ut peti viderentur corpora'.

played down, the prodigy lists are hardly ever tied in with it — once again, the only major exception is Book 31.

The most natural explanation for this might be that the focus of Livy's story is turning more and more to Greece and the East, into which it would be extremely difficult for him to bring themes of Roman religion in general, and such a fundamentally Roman device as prodigy lists in particular, to play a significant role, especially since Polybius, his central source for Greek material, was not at all interested in them. This would have to be qualified in that, as I have shown (above, 101), with the fall of Philip Livy even plays down religious material that is present in Polybius; but it could be argued that this is a special case, and that the reason for the playing down of the non-Polybian material is still because it cannot be linked to the affairs of Greece. If this is so, one would expect the Fifth Decade to exhibit the same features, since its subject-matter and sources are hardly any different, being primarily concerned with Rome's final mastery over the East with the defeat of Perseus King of Macedon in the Third Macedonian War. In fact, as I shall now show, this is not the case.

CHAPTER FOUR

THE FIFTH DECADE

Here we immediately run up against problems due to lacunae in the text,[1] for the first part of Book 41 is missing. This apparently contained the prodigy list for the year that appears in Obsequens 8:

> incendio circa forum cum plurima essent deusta, aedes Veneris sine ullo vestigio cremata. Vestae penetralis ignis extinctus. virgo iussu M. Aemilii pontificis maximi flagro caesa negavit ulterius interiturum. supplicationibus habitis in Hispania et Histria bella prospere administrata.

There is also a briefer note at *Per.* 41.1: 'ignis in aede Vestae extinctus est'.

Nothing, clearly, can be built on this. Possibly the mere mention of the prodigy by the Periocha suggests its importance to Livy's narrative. But the epitomator is notoriously capricious,[2] for instance beginning *Per.* 32 with a prodigy from 32.1.2 selected, it seems, at random from a rather insignificant list. The Book 41 entry need be no more reliable. Nor is it a firm deduction from the last sentence in Obsequens that Livy linked the list with the war in Spain and Istria. Obsequens includes similar comments for e.g. 188, 186, 183, and 181. In none of these does Livy connect the prodigies and the wars. It is far more likely that Obsequens is including these notes for his own purposes, whatever those may have been.

But we do know some things for certain. Only about eight chapters have been lost,[3] so Livy must have placed his list closer to the beginning of this pentad than in any of the four preceding ones.[4] The year is admittedly short, and so the list could not have been placed all that late and still remain in it, but Livy still has up to 41.7 or 8 (i.e. about fifteen or sixteen chapters of the complete book) to displace it had he wished.

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[1] See C. Wessely, *Livius, Codex Vindobensis Lat. 15* (Leiden, 1907), i-x.

[2] C.M. Begbie, "The Epitome of Livy", *CQ* 17 (1967), 332-8; P.A. Brunt, "On Historical Fragments and Epitomes", *CQ* 30 (1980), 487-8.

[3] T.J. Luce, *Livy: The Composition of His History* (Princeton, 1977), 121.

[4] In the Third and Fourth Decades the closest list to the opening of a pentad is at 31.12.5-10; the others are at 21.62, 26.23.4-6 and 36.37.1-6.

Once again (cf. above, 78), we should not speak of any hard 'rule' that Livy is breaking: in all four of the previous pentads, his variations are explicable in other ways. Possibly he does prefer to avoid prodigies at the beginning of a pentad — but the preference may always be overridden. Here perhaps the context demanded it: we cannot say. Or possibly his treatment of the prodigies was such as to negate their ominous effect, for example by stressing the expiation at the expense of the prodigies themselves, rather as he did, albeit under quite different circumstances, at 22.57, which also involves the punishment of a Vestal (above, 49-50).

Let us move on to lists that actually are extant. For 177 we have two, one at 41.9.4-7, another at 41.13.1-4. Why Livy has included two lists in such quick succession? One answer is provided by Luce, who notices that, although no fewer than five years have been crammed into this book, its length is not excessive, and is moreover boosted by such digressions as the character sketch of Antiochus Epiphanes (41.20).[5] He deduces that Livy was extremely short of material for these years, and was employing the two lists to fill out his narrative. This may be partly true, but it is not sufficient. Book 41, when fully extant, was only a little shorter than Livy's average.[6] The shortest book, Book 32, was shorter by about a fifth, while the longest, Book 3, was about a third as long again. Thus Livy had a great deal of leeway in selecting how much material to include, such that he could, for example, have left out every prodigy list in the decade without making his books inordinately short. If he included two lists for the same year here, and closer to one another than any other such pair in his work, he is likely to have had some positive reason for doing so.

Let us look at these two lists in a wider context. The year itself is very short, as may be seen from the fact that the two passages cited virtually mark its beginning and end; and, while it is not entirely uneventful, with the headstrong C. Claudius' campaign in Istria, there is nothing in it to explain the duplication of prodigies. The next year, however, is vastly different, with the killing in battle of the consul Petillius at 41.18.11 (the first consul so to perish since Marcellus back in Book 27), and the death from a stroke of his colleague Cornelius at 41.16.3. These disasters are preceded by a remarkable set of omens and prodigies. At the very start of the year, at 41.14.7, we find the following:

> Cn. Cornelio et Q. Petillio consulibus, quo die magistratum inierunt, immolantibus Iovi singulis bubus uti solet, in ea hostia qua Q. Petillius sacrificavit in

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[5] Luce (1977), 121-2.

[6] See the calculations by P.A. Stadter, "The Structure of Livy's History", *Historia* 21 (1972), 304-5.

> iocinere caput non inventum. id cum ad senatum rettulisset, bove perlitare iussus.

Then, as the senate was issuing a decree about the allocation of legions, further bad omens were announced, which are told at far greater length (41.15.1-4):

> dum de iis rebus in senatu agitur, Cn. Cornelius evocatus a viatore, cum templo egressus esset, paulo post rediit confuso vultu, et exposuit patribus conscriptis bovis sescenaris quem immolavisset iecur diffluxisse. id se victimario nuntianti parum credentem ipsum aquam effundi ex olla ubi exta coquerentur iussisse et vidisse ceteram integram partem extorum, iecur omne inenarrabili tabe absumptum. territis eo prodigio patribus et alter consul curam adiecit, qui se, quod caput iocineri defuisset, tribus bubus perlitasse negavit. senatus maioribus hostiis usque ad litationem sacrificari iussit. ceteris diis perlitatum ferunt; Saluti Petillium perlitasse negant.

Then at 41.16.1-6 is a further set of ominous events. The Latin festival is vitiated through the Lanuvian magistrate's omission of the prayer 'populo Romano Quiritium' (41.16.1): the festival has to be repeated. Then comes the death of the consul Cornelius, which it is said 'accesserat ad religionem' (41.16.3). Finally, 'plenis religionum animis prodigia insuper nuntiata' (41.16.6), at which point the year's prodigy list appears.

The implication of these passages is clear: there is a gradual increase in the frequency of adverse religious phenomena, which are set out in three episodes of increasing length. These are then followed by the death of Petillius, which is itself marked by three short omens. At 41.18.8 Petillius draws a lot in order to select his line of approach to the battle, but fails to perform the ceremony in accordance with the ritual requirements. Then at 41.18.10 he uses an ill-omened expression 'se eo die Letum capturum esse' (such being the name of the site of the enemy encampment). Finally, after his death, we learn that he had fought in knowledge of unfavourable auspices from the sacred chickens (41.18.14). His death is thus called by Livy 'tam evidentem tristis ominis eventum' (41.18.14), and only rarely does he commit himself so strongly to the efficacy of omens in determining human events.

In view of this, it seems reasonable to attribute the existence of two prodigy lists in 177 to the same cause. It is true that, unlike the omens from 41.14-18, the prodigies are not specifically directed against the consuls. Nonetheless they provide a sense of cumulative, though general, foreboding, which is then given direction by the succeeding episodes, especially since they are separated but kept close together, which allows them to pervade the general background with a sense of foreboding in a way a single prodigy list

would not. The shortness of the year allows Livy to tie them all the closer to the ominous events surrounding Petillius' death: only just over one chapter separates the second list of 177 from the first bad omen of 176.

We may compare the events leading up to the death of Flaminius in Books 21-2 (above, 38-42). There too we find prodigy lists taken close together, leading up to a set of omens directly before the battle. But almost as striking as the similarities between the two episodes are the differences. In 21-2 there are only three phases: the two lists and the omens. Each, however, is considerably longer than anything in 41, and the omen scene is told in a dramatic and involved manner, culminating in a lengthy account of the battle. The battle in 41, on the other hand, is told in a more low-key and perfunctory manner. This is presumably due in part to the relative significance of the two events. Petillius was killed during a relatively unimportant battle which the Romans won in any case, but the defeat at Trasimene threatened the whole of Rome. But one also gets the general impression that in the Third Decade Livy deals with a grander sweep of major events, which are treated at some length and contribute towards building an impressively structured and relatively monolithic story. The Fourth and Fifth Decades by contrast sometimes seem rather scrappy, tending to include a lot of short notices of relatively minor happenings. While this is certainly due to Livy's more diffuse subject matter, we can observe here how it may pervade Livy's manner to the point where, even when he could build up to his climaxes in two or three large movements, he prefers to use a series of short steps.

The only prodigy list that has survived for the next two years is 41.21.12-13. Saint-Denis assigns it to 175, but this is an error.[7] The opening of 41.21 is clearly recounting the disposition of provinces for 174, since the last major lacuna in the book directly precedes it, and surely contains that year's elections. Whether there were any prodigies for 175, and, if so, how they were treated, is impossible to say, since nothing of Livy's account of that year survives other than 41.19-20.

The most notable feature of this list is that it is preceded by a long account of a plague (41.21.5-11), which is treated as a prodigy by the Senate, who order the Sibylline Books to be consulted, and an expiatory procedure is gone through (41.21.10-11). This has the effect of assimilating the plague to the other prodigies which follow directly, thus making the list appear quite long. There seems to be little reason for this in the rest of the year; on the contrary, the last chapter of the book rounds off the general

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[7] E. de Saint-Denis, "Les énumérations des prodiges dans l'oeuvre de Tite-Live", *RPh* (1942), 126.

Roman success with substantial indications of piety (41.28) — two *supplicatios*, and a dedication to Jupiter in thanks for victory.

Possibly the prodigies at 41.21 are connected with the sequence earlier in the book, but so much has been lost since then that we should have to postulate that there was some lengthy treatment of religious themes in the missing section. This may be indicated by the words with which the plague is introduced here: 'pestilentia, quae priore anno in boves ingruerat, eo verterat in hominum morbos' (41.21.5); this presumably refers back to the events of 175, possibly even the prodigy list if there was one. If there is no connection with what went before, the length of the list is difficult to account for except in the unsatisfactory terms of 'filling out space', which would not explain the specifically religious dimension given to the plague. Or one might attribute it to carelessness, but this is undesirable when it is possible that the missing part of the work would provide the key.

Very close to the start of Book 42 is the list for 173 (42.2.3-7). It is of only moderate length, but Livy has tied it in to the narrative with his introductory sentence (42.2.3):

> cum bellum Macedonicum in expectatione esset, priusquam id susciperetur, prodigia expiari pacemque deum peti precationibus qui editi ex fatalibus libris essent placuit.

This explicitly connects the expiation of the prodigies with the successful outcome of the forthcoming war. It is not especially tense or dramatic, but nevertheless suggests that Livy is working to integrate his lists into his story, and to provide some early pointers to the ultimate Roman triumph in Books 44-5. It may also be significant, however, that in an optimistic context there are prodigies at all. Directly before this is the story of Postumius (42.1.6-12), who vented his anger at having been earlier ignored by the Praenestines, by insisting that as consul he should be entertained by them at public expense — Livy regards this as a bad precedent.[8] Then immediately after the list is the story of the censor Fulvius Flaccus, who tears up the temple of Juno Lacinia in order to get materials for his own temple (42.3) — Livy explicitly calls this a 'sacrilegium' (42.3.3), and the Senate accuses Fulvius at some length of impiety (42.3.6-9), after which it votes for the temple to be repaired and for expiation to be performed. All of this foreshadows the theme of Roman ill-treatment of allies, which will be prominent

[8] 42.1.8: 'ante hunc consulem nemo umquam sociis in ulla re oneri aut sumptui fuit'; 42.1.12: 'silentium nimis aut modestum aut timidum Praenestinorum ius, velut probato exemplo, magistratibus fecit graviorum in dies talis generis imperiorum'.

in this book and the next,[9] while the prodigy list, as well as looking forward to the ultimate Roman victory in the current war, casts the shadow of divine retribution for such actions over the book.

One may see a similar ambiguity in the list for 172. It appears at 42.20, and, like its predecessor, it is connected with the Macedonian War by its introductory sentence, 'in suspensa civitate ad expectationem novi belli' (42.20.1), and also by the section in the middle (42.20.4):

> haruspices in bonum versurum id prodigium, prolationemque finium et interitum perduellium portendi responderunt, quod ex hostibus spolia fuissent ea rostra, quae tempestas disiecisset.

The first provides a psychological connection between the prodigies and the attitudes of the people towards the war; the second shows a more specifically divine connection. The arrangement within the list is also interesting: the first prodigy, the destruction of the *columna rostra*, is expiated and given a favourable interpretation, as quoted above — but then other prodigies are reported. The effect is to undermine the untrammelled optimism of the first prodigy. Had Livy wished to present the passage in a light wholly favourable to Rome he could easily have transferred the haruspices' report to the end. The fact that he arranged it as he did suggests that he is presenting the ultimate victory as assured, but that he also saw cause for gloom in the war ahead.

Possibly the length of the struggle before the Romans was on his mind: it is also highly probable that he is relating the prodigies to the further behaviour of the previous year's consul Popillius in 42.8-9. He, having defeated the Ligurians in battle and received their unconditional surrender, had broken precedent by destroying their town and selling the people into slavery (42.8.1-4).[10] When the Senate had objected to this and ordered him to restore the Ligurians to liberty, he 'qua ferocia animi usus erat in Liguribus' (42.9.1) demanded that the Senate reverse its decision. This episode is taken up again directly after the prodigies at 42.21, where it is discovered that Popillius had once again attacked the defeated Ligurians,[11] thus provoking the whole province into a renewed war. The new consuls,

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[9] Luce (1977), 264-5; P. Scott, *Qualities of Leadership in Livy's History* (unpublished dissertation, Oxford, 1986), 255-6.

[10] It is referred to as 'pessimo exemplo' at 42.8.6.

[11] 42.21.2-3: 'aucta etiam invidia est Popilli litteris eius, quibus iterum cum Statellatibus Liguribus proconsul pugnasse se scripsit, ac sex milia eorum occidisse; propter cuius iniuriam belli ceteri quoque Ligurum populi ad arma ierunt. tum vero non absens modo Popillius, qui deditis contra ius ac fas bellum intulisset, pacatos ad rebellandum incitasset, sed consules quod non exirent in provinciam in senatu increpi'.

one of whom was Popillius' brother, had opposed the decree against him (42.10.10-15); the Senate compelled them to go and replace Popillius in his province (42.21.4). Popillius was only persuaded to return to Rome and stand trial by the prospect of otherwise being tried in his absence. He returned: the decree was passed freeing the Ligurians, but Popillius himself, through his brother's influence, had his case dropped via a legal fiction, which Livy describes, 'ita rogatio de Liguribus *arte fallaci* elusa est' (42.22.8).[12] In narrating this unsavoury episode Livy is quite clearly on the side of the Ligurians and the Senate against the corrupt official who eventually escapes punishment. Since this is the context, it is hardly surprising that he would be unwilling to present the prodigies in a tone of unalloyed optimism.

The position of this list is also rather surprising. It appears almost exactly in the middle of the year, which extends from 42.10.9 to 42.28. This is a result of Livy's introducing *res Graeciae* for the year earlier than usual, at 42.11 extending through to 42.18. The reason for this seems to be that when narrating the embassies to the Senate at 42.11 (a standard feature of the annalistic opening of many years, and often, as here, before the prodigy lists), he gets involved in the embassy from Eumenes, and goes on to discuss, in 42.14-16, the reaction to it, including Eumenes' attempted assassination. It is easy to see that he might wish to follow the story through and, as far as possible, keep the Eumenes material together. Moreover, the attempted assassination of Eumenes itself has religious significance: it takes place while he is sacrificing at Delphi (42.15.4-10). Perseus has thus violated the central Greek shrine at the opening of the war,[13] and it is appropriate that this should be followed by a prophecy of his defeat, even if Roman behaviour has caused that prophecy to be somewhat equivocal.

A further point should be noticed in passing. Where Livy leaves the Popillius story at 42.10.15, he does so as follows:

> consules ob ea irati senatui, Latinis feriis in primam quamque diem indictis, in provinciam abituros esse denuntiarunt, nec quicquam rei publicae acturos praeterquam quod ad provinciarum administrationem attineret.

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[12] Note also 42.28.3: 'succlamationes frequentes erant interrogationesque cur scelere fratris oppressos Ligures in libertatem non restituisset'.

[13] Note the later reference to this at 42.29.2, where Eumenes believes that he 'prope ut victima mactatus Delphis esset'; almost the same words are used by Marcius at 42.40.8. This ironic phrase contrasts Perseus' human 'sacrifice' with the animal sacrifice appropriate to someone at Delphi, and so brings out his impiety.

When he resumes it at 42.21.1 he begins with the words:

> consules ad id tempus in provinciam non exierant, quia neque uti de M. Popillio referrent senatui obsequebantur, et nihil aliud decernere prius statutum patribus erat.

There is an obvious contradiction here: in the first passage the consuls' opposition to the Senate leads them to plan an early departure, whereas in the second the same opposition seems to be what is keeping them in Rome. However, we need not assume changes in sources in order to account for this. Perhaps the consuls were genuinely inconsistent, but more likely is that Livy, after his long digression, is altering the story in order to give the impression of a chronologically sequential narrative (above, 62). Hence he inserted the second passage in order to explain why, after all this time, the consuls had not left for their provinces, but did so slightly carelessly, overlooking the motives that he had attributed to them previously.

The next year, 171, seems at first sight to lack a list. There are, however, two other possibilities. One is that the list may have been displaced to the end of the year and been lost in the huge lacuna at the end of 43.3.3, which covered about three fifths of the total book.[14] The other is that it has been replaced by 42.30.8-9:

> consules, quo die magistratum inierunt, ex senatus consulto cum circa omnia fana in quibus lectisternium maiorem partem anni esse solet maioribus hostiis immolassent, inde preces suas acceptas ab dis immortalibus ominati, senatui rite sacrificatum precationemque de bello factam renuntiarunt. haruspices ita responderunt: si quid rei novae inciperetur, id maturandum esse; victoriam, triumphum, propagationem portendi.

These two alternatives are not mutually exclusive: it may both be that the true list was displaced to the end of the year and that this passage took its place. Of course, we shall never know whether such a list actually did appear after 43.3.[15] But the second idea anyway has something to commend it. First, the passage occurs more or less at the appropriate point for a prodigy list. Then, it is concerned with themes specifically connected with

[14] See Luce (1977), 120.

[15] 43.1-3 contain the year's embassies, which are usually associated with annalistic material: this may suggest that perhaps further annalistic material followed, including perhaps prodigies. This evidence, however, is too scanty to draw even a moderately firm conclusion — embassies even on occasion cause the *postponement* of annalistic material (above, 110).

omens and portents and the prospects that they offer for the future, as the reference to haruspices makes clear.[16]

We should also relate this passage to the two previous lists, 42.2 and 42.20, both of which carry references to Roman success in the coming war (above, 108-10), but both of which are also undercut by a renewal of prodigies. This passage, on the other hand, is totally optimistic. One can reasonably conclude from this that Livy sees Rome as having gone some way towards expunging the faults of the previous two years and as being ready to fight with the gods on her side. In particular, he foreshadows this at the end of the previous year (42.28.6-9) — the senate command the incoming consuls to make these prayers 'ut quod bellum populus Romanus in animo haberet gerere, ut id prosperum eveniret' (42.28.7), and the outgoing ones to make vows to the gods. Moreover, at the very end of the year Fulvius Flaccus hangs himself (42.28.10-13). Although he does not vouch for this himself, Livy tells us that it was interpreted as punishment for his robbing the temple of Juno Lacinia at 42.3 (above, 108-9); one of the chief wrongdoers of the previous years has paid the penalty. The overall impression of these passages is surely that the Romans are now completely pious, have been rewarded with divine favour, and that as a result victory will not be long delayed.[17]

In fact, however, having taken such pains to instil these expectations into the reader's mind, Livy fails to fulfil them. Instead, in this very year the Romans are defeated at Callinicus (42.58-61), and it is not until Book 44 and the rise of Aemilius Paullus that the Roman victory is to come. Why should this be?

The answer lies in the fact that Rome, after temporarily achieving piety, lapses back almost immediately into treachery and wrongdoing.[18] As soon as this year begins the trouble starts again. At 42.32.1-5 Livy recounts a bitter quarrel between the consuls, with Cassius demanding that he should be allocated Macedonia as his province without drawing lots on the grounds that his colleague Licinius as praetor had declined to go to his province for religious reasons: this is confirmed by 41.15.9. The Senate decides, nonetheless, that lots should be drawn, and Licinius obtains Macedonia, thus

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[16] Compare similar references at 31.5.7 and 36.1.3, both of which are connected, as this is, with success in the coming war; however, it does not solve the problem of replacement *versus* displacement, since in the first case no prodigy list appears for the year, but in the second the list is displaced to 36.37.1-6.

[17] Note, however, the reminder at 42.28.3 that Popillius' wrongdoing among the Ligurians had not been fully righted: this provides the one disquieting note amidst the Romans' new-found piety that points to the future recurrence of their problems.

[18] See Luce (1977), 264-6.

technically perjuring himself.[19] Another unsavoury episode comes at 42.47.1-9, where Marcius and Atilius, the Roman envoys to Perseus, return to Rome 'ut nulla re magis gloriarentur quam decepto per indutias et spem pacis rege' (42.47.1).[20] This is approved of by most of the Senate; on the other hand, 'veteres et moris antiqui memores negabant se in ea legatione Romanas agnoscere artes' (42.47.4). The opinion of the 'veteres' is then elaborated at great length in direct speech, with appropriate historical *exempla*; we may note that their language has religious overtones, when they imply that the envoys' behaviour lacks both 'religio' and 'pietas' (42.47.7-8). They are, however, outvoted by 'ea pars senatus, cui potior utilis quam honesti cura erat' (42.47.9). Marcius' treachery looks especially unpleasant in the light of his family friendship for Perseus (42.38.8). All of this may be contrasted with Perseus, who is portrayed in this section as behaving piously (42.51.1-2, 42.52.13).[21] In the light of this, the fact that the book ends with a victory for Macedon and a defeat for Rome is hardly surprising; the prodigy lists foreshadow the ultimate victory, but they also underline Rome's immediate problems.[22]

Moving now to Book 43, almost the whole of the year 170 is lost in the lacuna at 43.3, and, if there was a prodigy list for the year, it was to be found here. For 169, on the other hand, we have at 43.13 possibly the most discussed list of all. The reason is that it opens with what purports to be Livy's justification for including prodigies at all, a passage that most writers assessing Livy's views on religion naturally feel obliged to take into account (above, 22-3). Moreover, 43.13.6 recounts two prodigies which were not taken up on the grounds of their having taken place on private land or outside Roman territory; this passage is our only evidence for such a rule, and consequently is examined by many historians of Roman religion.

First we should relate the list as a whole to its particular context. Its length is significant: Book 43 has contained a sequence of atrocities on the part of the Roman leaders. In particular, the account, so far as we can tell, focussed on the atrocities committed by the consuls of 171, Licinius and Cassius, their praetor Lucretius, and Lucretius' successor Hortensius. *Per.* 43 fills in a number of our gaps:

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[19] In this context should be noted Licinius' subsequent cruel behaviour (below, 113-14).

[20] The story is told more briefly by Diodorus 30.7.1.

[21] Luce (1977), 266 would add to the list of Roman misdeeds the sack of Haliartus by Lucretius at 42.63.6. This is perhaps understandable in view of the condemnation of Lucretius' later behaviour at 43.4.5-7 and 43.7.8-10; nevertheless, the siege of Haliartus is not listed by Livy amongst these atrocities, nor is there anything in his account of the siege that could point to his disapproval.

[22] We may compare the temporary piety of Hannibal in Book 21, which leads to his temporary victories (above, 45-7).

> praetores aliquot eo, quod avare et crudeliter provincias administraverunt, damnati sunt. P. Licinius Crassus procos. complures in Graecia urbes expugnavit et crudeliter corripuit. ob id captivi, qui ab eo sub corona venierant, ex S.C. postea restitui sunt. item a praefectis classium Romanarum multa impotenter in socios facta.

The emphasis that the Periocha places on this aspect of the war is confirmed by the surviving account of its aftermath at 43.4-8, where the Senate and people take action to condemn and punish the perpetrators. Livy's attitude is made clear at 43.4.5:

> haec lenitas praetoris ... eo gratior plebi patribusque fuit, quo crudelius avariusque in Graecia bellatum et ab consule Licinio et ab Lucretio praetore erat.

and 43.4.8-13:

> invidiam infamiamque ab Lucretio averterunt in Hortensium, successorem eius, Abderitae legati flentes ante curiam querentesque oppidum suum ab Hortensio expugnatum ac direptum esse ... indigna ea senatui visa ... senatum Abderitis iniustum bellum illatum ... censere.

We should also notice the embassy of the Chalcidans at 43.7.5-8.10, which speaks at 43.7.8 of:

> quae primo C. Lucretius in populares suos praetor Romanus superbe avare crudeliter fecisset, deinde quae tum cum maxime L. Hortensius faceret.

and, at 43.7.10:

> apud se templa ornamentis †compilata spoliataque sacrilegiis† C. Lucretium navibus Antium devexisse; libera corpora in servitutem abrepta; fortunas sociorum populi Romani direptas esse et cotidie diripi.

Not only does this prodigy list appear against the background of Roman atrocities, but also one of comparative military success for Perseus and, by implication, failure for Rome, as appears from *Per.* 43, 'res a Perse rege in Thracia prospere gestas continet victis Dardanis et Illyrico, cuius rex erat

Gentius',[23] although nothing of this survives except for the king's successes in capturing various fortresses at 43.18-19, taking prisoner five and a half thousand of their Roman garrisons (43.19.2, 6). We should also observe the rash attack of Claudius on Uscana at 43.10, where he is led into a trap and the majority of his army massacred.[24] And the conduct of politics at Rome also leaves something to be desired, with the conflict over the levy at 43.14. In short, the fact that the list at 43.13 is quite considerably longer than usual is highly appropriate to the context of what appears to be the nadir both of Roman military success and of Roman morality in the war.

This, however, does not explain the particular features of it that have been widely discussed. To begin with the question of prodigies that occur on land which is not *ager publicus*, not only is there no other direct evidence for such a rule, but even the indirect evidence seems to contradict it, since prodigies which break the alleged rule are frequently reported and accepted. Historically the solution would seem to be that Livy has made an error, possibly due to anachronism,[25] or that he was correct, but that the rule was not applied consistently,[26] or else that the aberrant prodigies derive from sources that were compiled or invented at a time when or a place where the rule was not observed.[27] Yet even assuming that this is not an outright invention of Livy's, we must still explain why he chose this moment to introduce this exceptional situation. The answer may still lie in the sources: that he found this interesting variant on the prodigy lists here and only here, and decided that it was worth being mentioned. But it is also likely that it is related to his desire to expand the prodigies as much as possible: not only are these facts reported, but they are recounted at somewhat greater length than usual.

The question of Livy's justification for his inclusion of prodigies has been discussed (above, 22-3), and has been argued to centre, not on their existence or non-existence, but rather on their relation to Roman tradition; he blames those people who have allowed the custom of reporting them publicly to lapse, and those historians who no longer include them in their

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[23] This, however, is not fully accurate — it appears from 43.19.13-20.2 that Gentius was not a recent conquest of Perseus, but his potential ally.

[24] Indeed, Claudius' attack is prompted by 'spes *cupiditati* admota' (43.10.3); cf. 43.11.11.

[25] F. Luterbacher, *Der Prodigienglaube und Prodigienstil der Römer* (Burgdorf, 1904), 29-33.

[26] J.A. North, *The Interrelation of State Religion and Politics in Roman Public Life from the End of the Second Punic War to the Time of Sulla* (unpublished dissertation, Oxford, 1967), 483; B. McBain, *Prodigy and Expiation: a study in religion and politics in Republican Rome* (Brussels, 1982), 28-33.

[27] E. Rawson, "Prodigy Lists and the Use of the *Annales Maximi*", *CQ* 21 (1971), 161-4.

works (43.13.1).[28] But why should he choose to make such a criticism at this moment? Perhaps, of course, it is his response to some external event about which we know nothing. For example, it may be that it was only while he was writing these books that the practice officially lapsed, or that he is replying to objections that had been made to him. This is possible, but first, evidently, we should look for a reason in the work itself.

The most obvious answer is to refer it, as before, to the mere consideration of lengthening the list, but this is clearly insufficient. But in the context an answer may be discovered. The length of the list, as was said above, reflects the decline of Roman morality during the war, of which this is the lowest point. There could be no more appropriate position for a passage deploring the decline of Roman tradition in Livy's own day: effectively, Livy draws a connection between the two. The decline during the Third Macedonian War is only the symptom of a larger decline, and the upturn that is about to come is only temporary, and will do little to ameliorate the problem.[29]

Book 43 thus continues from the previous book and reinforces the theme of Roman immorality, and the religious material supports and underlines this. Book 44, on the other hand, from the very first suggests that things are changing for the better.[30] The ill-treatment of allies and the poor behaviour of Roman commanders now cease, and the Romans, after some abortive sieges of Macedonian cities (44.11-13), are increasingly successful in battle; a series of victories culminates with the battle of Pydna at the end of the book (44.40-42), at which the Romans defeat Perseus for once and for all. The religious material matches this; it now is entirely in favour of Rome. Close to the opening of the book the consul Marcius addresses the soldiers with a short speech centring on Perseus' impiety and the divine punishment

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[28] North (1967), 20-1 takes up the word 'annales', and assumes that Livy means that one of his sources was omitting the lists, but this is an error — the passage undoubtedly refers to the inclusion of *contemporary* prodigies in the works of the writers of his day. North may have been following the suggestion of A. Klotz, *Livius und seine Vorgänger* (reprinted, Amsterdam, 1964), 49, who, while seeing that the primary reference of the passage is to contemporary writers, makes it refer also to Claudius Quadrigarius, who, Klotz claims, was less punctilious than Valerius Antias about such details. This is based, however, on a rather dubious deduction from 39.45.8-46.5, and does not fit, in any case, with Klotz's belief ((1964), 43) that Antias was only a main source in Books 31-8, after which Claudius took over, since Livy, as we have seen, reports prodigies more assiduously in the Fifth Decade than in the Fourth.

[29] Pliny *H.N.* 17.244 = Piso fr.38P may also be relevant: 'nec non et Romae in Capitolio in ara Iovis bello Persei enata palma victoriam triumphosque portendit'. This prodigy does not appear in any surviving part of the decade, but two such palms appear in this list, although neither on the Capitol. While it may have appeared in some lost list, it is also possible that we have here a different version of it, and that Livy is omitting a reference to the future victory that would be out of place here.

[30] Luce (1977), 267.

that will follow, contrasting it with the gods' support for Rome (44.1.10-12). Then, at 44.6 the Romans are saved from being trapped and are allowed to get through into Macedonia by Perseus' panic, which leads him to abandon his defences; of this panic Livy says 'di mentem regi ademissent' (44.6.14). Directly after this, at 44.7.2, the consul places his camp next to the temple of Jupiter 'ne quid sacro in loco violaretur'; he thus makes his piety clear.

Even more significant is the prodigy list at 44.18.6: 'bis in exitu anni eius lapidatum esse nuntiatum est, semel in Romano agro, semel in Veienti. bis novendiale sacrum factum est'. This is extremely short, which is clearly related to the other positive religious material that has been discussed. Moreover, while it occurs at the very end of the narrative for 169, it is very likely that it actually belongs to 168, which has no prodigies of its own, and that the words 'in exitu anni eius' have been added, as before, to make it cohere with its new position (above, 62). This is supported by the fact that, although it appears in 169, it occurs after the election of the consuls, in the context of dispositions of provinces and other arrangements for 168, a departure from order that is explained by 44.17.6: 'omnia ut maturius agerentur belli Macedonici stimulabat cura'. This might even seem a sufficient reason in itself, but what is surely far more relevant is that Livy is removing prodigies from the year of Aemilius Paullus' consulship, just as he had with Scipio in Book 28 (above, 66-9) — and with even more justification, for Aemilius is not only a sympathetic figure in his own right, the moral antithesis of his predecessors,[31] but his consulship, unlike Scipio's, is actually to see his victory, and before this year is over the Romans will have won the battle of Pydna and captured Perseus.

We may also relate this displacement of the prodigy list to Livy's general tendency to remove religious material from the vicinity of a vital battle, (above, 47-9). There is a certain amount of such material around Aemilius' election: note the stress on the celebration of the *Feriae Latinae* (44.19.4, 44.21.3, 44.22.17), while at 44.22.3-4 Aemilius says that he hopes that the gods will be on his side, and continues 'haec partim ominari, partim sperare possum' (44.22.4). However, from here on Livy seems to be omitting virtually every religious story. At Cicero, *Div.* 1.103 there is the story of Aemilius' daughter telling him that her pet dog Persa had died, which he accepts as a good omen.[32] No hint of this is found in Livy. Plutarch, *Aemilius* 19.3-4 (= Polybius 29.18) says that Polybius told of Perseus going away from the battle under the pretence of sacrificing to Hercules; this

[31] For the more general ways in which Paullus is contrasted with his predecessors, and his success in war is foreshadowed, see W. Reiter, *Aemilius Paullus: Conqueror of Greece* (London &c., 1988), 77-9.

[32] The story also appears at Plutarch, *Aemilius* 10.6-8, citing Cicero as the source.

Plutarch contrasts with the genuine piety of Aemilius, who prays during the battle, and whom the gods reward with victory. This too is absent from Livy.[33] Plutarch, *Aemilius* 24.3 also has a story that, after the battle, Aemilius was sacrificing at Amphipolis, when a lightning bolt set the altar on fire and burnt up the sacrifice. No trace of this appears in the surviving part of Livy, although it possibly appeared in the lacuna at the end of the book, where Aemilius' entry into Amphipolis is described.

More interesting is an episode before Pydna: an eclipse of the moon took place, for which it is worth quoting Livy's description in full (44.37.5-9):

> castris permunitis C. Sulpicius Galus, tribunus militum secundae legionis, qui praetor superiore anno fuerat, consulis permissu ad contionem militibus vocatis pronuntiavit nocte proxima, ne quis id pro portento acciperet, ab hora secunda usque ad quartam horam noctis lunam defecturam esse. id quia naturali ordine statis temporibus fiat, et sciri ante et praedici posse. itaque quem ad modum, quia certi solis lunaeque et ortus et occasus sint, nunc pleno orbe nunc senescentem exiguo cornu fulgere lunam non mirarentur, ita ne obscurari quidem, cum condatur umbra terrae, trahere in prodigium debere. nocte quam pridie nonas Septembres insecuta est dies edita luna hora cum defecisset, Romanis militibus Gali sapientia prope divina videri; Macedonas ut triste prodigium, occasum regni perniciemque gentis portendens, movit nec aliter vates. clamor ululatusque in castris Macedonum fuit, donec luna in suam lucem emersit.

This is one of the few supernatural events which also appear in Polybius, who exhibits some striking differences (29.16.1-2):

> τὴς σελήνης ἐκλειπούσης ἐπὶ Περσέως τοῦ Μακεδόνος ἐκράτησεν ἡ φήμη παρὰ τοῖς πολλοῖς ὅτι βασιλέως ἔκλειψιν σημαίνει. καὶ τοῦτο τοὺς μὲν ῾Ρωμαίους εὐθαρσεστέρους ἐποίησε, τοὺς δὲ Μακεδόνας ἐταπείνωσε ταῖς ψυχαῖς.

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[33] See especially *Aemilius* 19.6: 'ἀλλὰ ταῖς Αἰμιλίου παρῆν εὐχαῖς ὁ θεός. εὔχετο γὰρ κράτος πολέμου καὶ νίκην δόρυ κρατῶν, καὶ μαχόμενος παρεκάλει τὸν θεόν'. It might be thought that the story appeared in the lacuna between 44.40 and 44.41, but this is unlikely, as in Livy Perseus seems to remain on the field until 44.42.1-2, where we are told 'sic equitatus prope integer pugna excessit. princeps fugae rex ipse erat. iam a Pydna cum sacris alis equitum Pellam petebat'. F.W. Walbank, *A Historical Commentary on Polybius* (Oxford, 1957-79), volume 3, 390 believes that Livy in fact included the story, and had Perseus flee to the town of Pydna in the lacuna; he holds that 44.42.1-2 refers only to his flight from Pydna to Pella. However, this is impossible: the context of 'princeps fugae rex ipse erat' shows that it is referring to the flight from the battlefield, while its tense suggests that Livy is not referring back to an earlier point in his narrative. Walbank points out that Perseus withdraws at the beginning of the battle in Florus 1.28.8, and claims that this derives from Livy, but there is no evidence for this: other parts of Florus' account of the war, and in particular his mention of the epiphany of Castor and Pollux (below, 120-1), do not appear in Livy.

Thus Polybius, while noting that the interpretations of the portent varied, has nothing to say about Galus' prediction.

Polybius was almost certainly Livy's source for this part of the decade;[34] for the details of the eclipse, however, it seems that Livy introduced material from his Roman sources.[35] His chief reason for this is surely the fame of the Galus story, which is referred to in Cicero, *Rep.* 1.23, and, among later writers, Valerius Maximus 8.11.1, Quintilian 1.10.47, Pliny, *H.N.* 2.53 and Frontinus, *Stratagems* 1.12.8. In all of these the main point of the story is that Galus prophesied the eclipse (or in some versions explained it afterwards) in order to dispel the Romans' superstition; and Cicero and Valerius Maximus make it clear that the strategem was successful.[36] On the other hand Justinus 33.1.7, Plutarch, *Aemilius* 17.7-10 and Zonaras 9.23 broadly follow Polybius in centring the story on the supernatural interpretation of the omen; all refer to the eclipse, but not to Galus. All three include Polybius' point that the Macedonians, and not the Romans, took it as a bad sign. However, Zonaras and Plutarch do both have the eclipse explained — by Aemilius himself, though Plutarch does not have him communicate his explanation to his troops, and he even has him none the less treating it as a portent himself and sacrificing to the moon. Of the three, only Zonaras considers the fact that the Romans took the eclipse favourably to be due to the rationalistic explanation of it.[37]

Livy thus combines features of both of these main strands of the story. He includes Galus' rationalistic prophecy from the 'Ciceronian' strand, but also the different interpretations of the eclipse in the Roman and Macedonian camps from the 'Polybian' strand.[38] The result is that he has made the story less obviously supernatural than in the 'Polybian' strand: the contrast is between the enlightened rationalism of the Romans and the superstitious Macedonians. This fits well with his general tendency here which is, as we have seen, to remove the supernatural from the story of the battle. However, we should also note the implications of the words 'Romanis militibus Gali sapientia prope divina videri'. This is unique to Livy: Cicero, Valerius

[34] H. Nissen, *Kritische Untersuchungen über die Quellen der vierten und fünften Dekade des Livius* (Berlin, 1863), 264-7.

[35] Nissen (1863), 265-6; H. Tränkle, *Livius und Polybios* (Basel &c., 1977), 64.

[36] Cicero, *Rep.* 1.24: 'rem enim magnam erat adsecutus, quod hominibus perturbatis inanem religionem timoremque deiecerat'; Valerius Maximus 8.11.1: 'itaque inclutae illi Paulianae victoriae liberales artes Galli aditum dederunt, quia, nisi ille metum nostrorum militum vicisset, imperator vincere hostes non potuisset'.

[37] Plutarch and Justinus seem to refer it to the idea, also found in Polybius, that the eclipse signalled the eclipse of a king ('βασιλέως ... ἔκλειψιν'), which could naturally refer only to Perseus.

[38] Zonaras is the only other author to include this combination, though, as was said above, in his case the explanation comes from Aemilius, not Galus.

Maximus and Zonaras consider the Romans' confidence to be due to Galus' rational explanation; Polybius, Justinus and Plutarch consider it to be a result of their own supernatural interpretation. It has a certain irony in the light of Galus' idea that the eclipse should be explained 'ne quis id pro portento acciperet'; but it also has supernatural undercurrents of its own. Livy seems to be turning Galus' explanation, rationalistic though it is, into what is all but an omen in its own right, and, of course, one that is quickly fulfilled. The same thing applies to his inclusion of the Macedonians' interpretation of the eclipse: the fact that this will be fulfilled gives a supernatural overtone to the story, which is absent from the rationalistic 'Ciceronian' strand, in which this episode does not appear.[39]

This is the only example of Livy even hinting at the supernatural in the vicinity of Pydna, and with the aftermath of Plutarch's account of the eclipse (*Aemilius* 17.11-12) there is perhaps another significant omission by Livy. Plutarch has Aemilius, worried by the eclipse, sacrificing twenty times unsuccessfully, and only achieving favourable omens on the twenty-first occasion. Livy, on the other hand, speaks of him 'per speciem immolandi terere videbatur tempus' (44.37.12) as part of a stratagem. Possibly Plutarch is simply inventing this himself, in order to foreshadow Aemilius' private tragedy, which is now looming, and which contrasts with his public success; but it may also be that Livy is interpreting away a report of bad omens for Aemilius that appeared in one of his sources. This would no doubt be because Aemilius' private tragedy is less important to him than it is to Plutarch; it does not pervade his story, but rather appears as a poignant twist to the end of Book 45.[40] But it may also be related to what we have seen before: even if it refers to the consul personally, rather than to Rome as a whole, Livy is avoiding the supernatural here.

Book 45 opens with a large quantity of religious material. The very first chapter describes how a rumour of Aemilius' victory appeared among a crowd watching the games, though no source for it could be discovered (45.1.1-5). In the version of this story told by Cicero, *Nat. D.* 2.6, Valerius Maximus 1.8.1, Pliny, *H.N.* 7.86 and Florus 1.28.14-15, the news was brought by Castor and Pollux. Livy has avoided such overt supernatural intervention; this may be because he still does not wish to suggest too

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[39] Nissen (1863), 265-6 and Tränkle (1977), 64 believe, perhaps rightly, that the 'Ciceronian' version comes from the Roman annalists, but they overlook the fact that Livy is not taking it over wholesale, but is combining it with features from the 'Polybian' version.

[40] Compare the treatment by the two authors of the survival at Pydna of Aemilius' son (44.44.1-2; Plutarch, *Aemilius* 22) — Plutarch, unlike Livy, concludes the story with a reference to the future, when his other sons will really die.

openly that the Romans were divinely aided in the battle.[41] He does, however, hint at divine involvement in the rumour: even after it has been exposed as without foundation, 'omen tamen laetum insidebat animis' (45.1.4), and when confirmation arrives 'augurio animorum suorum laetabantur' (45.1.5). Although there is no epiphany, the language invites the reader to see the gods at work.[42]

This positive omen prepares the way for the religious material that follows, which stresses above all the Roman piety and Perseus' impiety, and hence the justice of the Roman victory.[43] Roman piety appears at 45.2.7-8, where the people offer thanks for the victory,[44] and at 45.7.1, where Aemilius sacrifices to give thanks for the capture of Perseus. Moreover, the prodigy list for 167 (45.16.5-6), the only list in this book, is not only quite short, but is immediately followed by a section of equal length in which the Romans again give thanks for the victory (45.16.7-8). The ominous impact of the prodigies is thus undermined by the reminder of divine favour. Likewise, the story of Aemilius' tour of Greece (45.27.5-28.6) centres upon his piety. He begins at Delphi, where he sacrifices to Apollo (45.27.6-7), and moves from there to Lebadia, where he visits the oracle of Jupiter Trophonius and sacrifices to Jupiter and Hercynna (45.27.8). Shortly afterwards he visits the temple of Diana at Aulis (45.27.9), and then the temple of Amphiaraus at Oropus (45.27.10). From there he goes to Athens, where he sacrifices to Minerva (45.28.1). After that, he visits Epidaurus, and above all the temple of Aesculapius, which Livy spends several lines describing (45.28.3), and his tour reaches a climax at Olympia, where 'Iovem velut praesentem intuens motus animo est. itaque haud secus quam si in Capitolio immolaturus esset, sacrificium amplius solito apparari iussit' (45.28.5). Contrast this with Polybius 30.10.6, who has Aemilius say 'μόνος αὐτῷ δοκεῖ Φειδίας τὸν παρ' Ὁμήρῳ Δία μεμιμῆσθαι'. Livy increases Aemilius' sense of wonder, and, more importantly, turns his aesthetic

[41] Valerius Maximus' and Florus' versions, at any rate, imply that Castor and Pollux were not simply messengers, but took an active part in the victory: they speak of them being seen washing the sweat off themselves and their horses.

[42] A similar account to Livy's appears in Plutarch, *Aemilius* 24.4-6; but unlike Livy he increases the sense of divine involvement by following this up at *Aemilius* 25.1-2 with the story of the Dioscori at Lake Regillus (below, 153) — though without mentioning that the same story was told of Pydna.

[43] P. Jal, *Tite-Live Histoire Romaine Tome XXXIII, Livre XLV, Fragments* (Paris, 1979), lxiv-lxv.

[44] Note in particular the emphasis on the participation of the entire Roman people in these pious acts (45.2.6-7): 'pro se quisque ex contione ad gratias agendas ire dis, ingentique turba non virorum modo sed etiam feminarum compleri tota urbe deorum immortalium templa'. This may provide a further explanation for the avoidance of the Castor and Pollux story: unlike it, his story has the entire people as recipients of the omen of victory.

comment into religious awe, by comparing the statue not merely to Homer's poetry, but to the god himself. Livy's alteration of the story is especially striking in that the Polybian version, according to Plutarch, *Aemilius* 28.5, was a famous quotation ('πολυθρύλητον'), and also in that it was widely believed that Pheidias had in fact deliberately modelled his statue at Olympia on Homer's Zeus.[45] In everything it is religion that interests Livy's Aemilius above all; his piety is thus made clear.[46] We may also note his celebration of the festival at Amphipolis at 45.32.8-11, after which he sacrifices the captured weapons to the gods (45.33.1-2).

This last section might appear at first sight to have some disquieting overtones: the celebration of the games is explicitly said to be on a Greek scale, something new in Rome,[47] and is followed by banquets on an equivalent scale.[48] What is more, the passage is followed by an account of the spoils of Macedon being taken to Rome, the lavishness of which is particularly stressed (45.33.5-6). All of this would seem to recall the very points that were criticised with Manlius Vulso in Books 38-9 (above, 91-3), and thus to link Aemilius to Roman decline. But in fact Livy carefully plays down the disquieting elements. Aemilius is said to give the games so that people 'non magnificentiam tantum sed prudentiam in dandis spectaculis ... admirarentur' (45.32.10) — the word 'prudentiam' carries a sense of solid practicality that is appropriate for a Roman commander of the old school.[49] The lavishness of the games and banquets is linked even more explicitly to military virtue shortly after this: Aemilius' comment is that 'convivium instruere et ludos parare eiusdem esse qui vincere bello sciret' (45.32.11).[50] Moreover, when it comes to the Macedonian spoils, Livy shows in the last part of the book Aemilius' old-fashioned discipline in this respect, in that he allowed very little of this plunder to go to the soldiers.[51] Also striking is 45.39.10-13, where Servilius defends Aemilius' triumph by arguing that it is a vital way of praising the gods and fulfilling one's vows to them: the

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[45] Strabo 8.354; Valerius Maximus 3.7 ext.4; Dio Chrysostom, *Or.* 12.25-6; Macrobius, *Sat.* 5.13.23.

[46] Contrast Plutarch, *Aemilius* 28.1-5, who, apart from a brief mention of his comment at Olympia, does not have Aemilius showing any piety at all.

[47] 45.32.10: 'ad quae rudes tum Romani erant'.

[48] 45.32.11: 'epulae quoque legationibus paratae et opulentia et cura eadem'.

[49] For an account of Livy's use of the word, and the way in which he associates it above all with sound military and political leadership, see T.J. Moore, *Artistry and Ideology: Livy's Vocabulary of Virtue* (Frankfurt am Main, 1989), 110-13.

[50] The same saying appears at Polybius 30.14 and Plutarch, *Aemilius* 28.9.

[51] 45.34.7: 'nequaquam ut ratus erat expletis militum animis, qui tamquam nullum in Macedonia gessissent bellum expertis regiae praedae esse indignabantur'; 45.35.6: 'antiqua disciplina milites habuerat; de praeda parcius quam speraverant ex tantis regiis opibus dederat'; compare 45.37.10-11.

very opulence of the celebration of victory thus becomes a sign of piety. When combined with Aemilius' earlier interest in religious matters has shown, it is clear that Livy has done his best to remove any hint of moral degeneration from his actions here.[52]

Just as Roman piety is emphasised in this book, so too is Perseus' impiety. At the beginning of the book he is at Samothrace, protected by the sanctuary there. Livy, however, shows the reader the inconsistency of this with Perseus' earlier actions;[53] in particular, he continually harks back to the attempted assassination of Eumenes at Delphi at the start of the war (42.15 — above, 110). Indeed, he lays even more stress on this here than he did at the time, as in Book 42 he was mainly showing the decline in Roman behaviour (above, 108-13). Now that this Roman behaviour has improved, he emphasises the justice of their victory. Thus L. Atilius in his short speech (45.5.3-4) tells the Samothracians that the man who attempted to assassinate Eumenes is polluting their sanctuary; the Samothracians realise the justice of this, and seek to prosecute the man in question, Evander (45.5.5-8). Perseus, lest Evander reveal his own involvement in the assassination, has him killed (45.5.9-10), and immediately realises that he has now unquestionably polluted the sanctuary (45.5.11):

> subit extemplo animum in se nimirum receptam labem quae Evandri fuisset; ab illo Delphis volneratum Eumenem, ab se Samothracae Evandrum occisum; ita duo sanctissima in terris templa se uno auctore sanguine humano violata.

We are thus reminded of the original impiety, which is now reinforced by the murder of Evander. Note also the irony of what follows, where Perseus complains to the gods of the sanctuary for not having protected him as their suppliant (45.6.10) — but we can see divine justice in the fact that the sanctuary's polluter almost immediately loses its protection. The theme reappears at 45.19.16, where Stratius, in order to warn Attalus against the consequences of fighting his brother, points to Perseus, whose loss of his crown in Samothrace was the gods' punishment for having acquired the crown by his brother's murder;[54] Perseus' stay in Samothrace is once again linked to his earlier impiety.

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[52] Contrast Aemilius with his colleague Licinius: the latter has an undistinguished year, as Livy tells us (45.12.9), and it is significant that we are immediately afterwards told that it began with his neglecting the auspices when entering a temple (45.12.10): the idea of the connection between piety and success that is so prominent in the book appears here as well.

[53] Jal (1979), lxxxiv.

[54] This does not appear in the corresponding passage of Polybius (30.2).

Conclusion

The most striking point in Livy's use of religion in this decade is the degree of involvement in the narrative, both in individual episodes and on a large scale. Thus Livy builds up to the death of Petillius in 41.18 with a large number of prodigies and omens, but removes his list from the consulship of Aemilius Paullus; while, on a larger scale, we may observe how the prodigy lists across the period of the Third Macedonian War mirror certain patterns brought by the war itself. The lists at 42.3 and 42.20 are ambiguous, pointing to Roman success but, as the atrocities of Popillius, Fulvius Flaccus and Postumius begin, the optimism starts to be undermined. This is rectified in time for optimism to be restored, but Roman cruelties continue under Licinius, Cassius, Lucretius and Hortensius, and we reach the nadir, the long list at 43.13, with its overtones of a decline that will extend far beyond its immediate context. But with the election of Aemilius in the following year all begins to go right once again, and this is signalled by the prodigy lists of 44.18.6 and 45.16.5-6. The rise and fall of Roman morality is matched at every point by the treatment of the prodigies; and is further closely mirrored in the other religious material in the books.

It will thus be seen that Livy's use of prodigies in the Fifth Decade resembles far more closely the Third than the Fourth — indeed, Livy has surpassed the Third Decade, integrating virtually every list in the Fifth Decade into his narrative; this is far removed from the detached treatment of them in the Fourth, where they rarely reflect more than a desire to provide an atmosphere of Roman tradition. The same thing applies to the other religious material; whereas in the Fourth Decade Livy tends to avoid it, here it is prominent throughout, and at each point its treatment is closely tied to that of the prodigy lists.

Let us now return to the issue that was raised at the end of the last chapter (above, 102-3). The question was there asked whether the general detachment in the treatment of religion in the Fourth Decade could be due to Livy's large-scale use of Greek sources and Greek themes, into which it would be difficult to integrate such a fundamentally Roman device as prodigy lists, especially when Rome herself was not under threat. But all of these conditions seem to apply equally to the Fifth Decade. A good deal of the narrative and the main focus of our attention is in Greece, for which it is mainly Greek sources that are used. Rome is no more under direct threat in the Fifth Decade than in the Fourth. Why, then, should religion in general, and prodigy lists in particular, suddenly seem to matter so much once again?

One possible answer perhaps lies in certain respects in which the subject matter is more suitable. The death of two consuls in a year, as happened in

176, clearly offered increased possibilities for the employment of religious motifs. Moreover, the fact that the Third Macedonian War was the climactic war that established Rome's hegemony over the eastern Mediterranean once and for all may have led Livy to feel that a greater involvement of the supernatural was possible. But what is even more relevant is that Livy is getting far more involved with all of his material. Books 41-5 are dramatic and powerful in a way that the Fourth Decade only achieves intermittently. The progress of the war, the character of Aemilius Paullus and the contrast with his predecessors, and the near-tragic fate of Perseus caught Livy's imagination, and it is hardly surprising to find this linked with a more dynamic use of religious material.

This is a partial answer; however, even the parts of the Fourth Decade, like much of Books 33 or 39, which are more dramatically narrated, are not marked by an equally dramatic use of prodigies. Perhaps, then, the answer is simply that Livy is becoming increasingly adept at structuring a large body of material and drawing all the parts of it together, and in particular the parts which might at first sight seem irrelevant to the more far-flung spheres of action. In Book 31 Livy was suddenly faced with a mass of material which could be structured neither in terms of expanding Roman power, as in Books 1-20, nor in terms of a single war that threatened the existence of Rome, as in Books 21-30. Through the Fourth Decade we can see Livy struggling with this problem: hence, for example, his experiments in Books 35 and 39 with a non-annalistic framework. Only in the Fifth Decade does he get the material properly and consistently structured, so as to allow Roman matters to have a bearing on Greek matters, with the result that both contribute to a single whole.

At the same time, one should not see Livy's treatment of religion in the Fourth Decade merely as a failed attempt to do what he does with it in the Fifth. For the systematic downplaying of religion in Books 31-40 is as much a part of his method as is the systematic integration of religion in Books 41-5. Given the problems that he is facing in the combining of his Greek and Roman material, he chooses for the most part to exclude questions of the supernatural, and of piety and impiety, rather than emphasise them and create large-scale themes with them in a way that might clash with various aspects of the rest of his narrative.

CHAPTER FIVE

THE EARLY BOOKS

In the Third and the Fifth Decades Livy thus has a consistent religious theme: piety and impiety are answered by supernatural events that express the gods' favour or anger, and which portend victory and defeat. All of this is mainly (but not always) under the surface and inexplicit, but it is nonetheless present. In the Fourth Decade, on the other hand, there is no consistent religious theme: more often religious material is used merely to provide a sense of formality at an appropriate moment.

How does the First Decade fit into this pattern? Is there a consistent religious theme, either the same as in the Third and Fifth Decades or with a character of its own? In fact, these books need to be treated in a rather different manner. Regular prodigy lists are here absent,[1] and so these can no longer form the centre of the discussion. Just as important is the fact that one book, Book 5, is not only relatively self-contained, but is dominated by religion to an extent not matched by any other part of the entire work, and should therefore be discussed separately. This will be done in Chapter Six; the books coming before it will be considered here, while the Second Pentad will be examined in Chapter Seven, where it will be seen whether the special character of Book 5 has any effect on Livy's subsequent treatment of religion.

1. Book 1

Writing on religion in the first book of Livy presents problems which are not there for any other part of his work. On the one hand, there is a vast quantity of relevant material — few stories in the book do not have religious aspects. On the other, there is an even greater quantity of comparative material in other authors. Dionysius, *Ant. Rom.* alone has four books on the

[1] This is presumably because Livy's sources for this period only had them intermittently; reasons for this are discussed by E. Rawson, "Prodigy Lists and the Use of the *Annales Maximi*", *CQ* 21 (1971), 159-60.

period; there are also two entire lives by Plutarch, a considerable number of stories in Ovid, and numerous authors, such as Dio, Diodorus and Cicero, who treat the same events less fully. To survey all of this systematically would require far more space than is available here; within the confines of this chapter all that can be done is to select a few of the most significant alterations to his story that Livy is making, and see if any overall conclusions may be drawn.

Book 1 is structured around the reigns of the kings; the four early kings, each of whose reigns has a character derived from the character of the monarch, and the Tarquins, where the emphasis is more on the political side of the kingship, and in particular on the way in which the kings acquire their power, rather than on the actual events that took place during each reign. I shall examine the degree to which Livy uses religious material to reinforce this structure, and how far, if at all, the religious material itself takes on a coherent pattern, forming themes which cut across the different reigns.

Antenor, Aeneas and Alba Longa

Here Livy appears to be cutting down quite substantially the material available to him: Dionysius allots almost his entire first book to pre-foundation stories.[2] Livy treats them in just a few pages. This may be because of their unreliability: at *Praef.* 6 he says:

> quae ante conditam condendamve urbem poeticis magis decora fabulis quam incorruptis rerum gestarum monumentis traduntur, ea nec adfirmare nec refellere in animo est.

This, however, will hardly be the complete explanation — at *Praef.* 7 he indicates that the clearest example of such uncertainty is the story of the birth of Romulus,[3] and this is in fact told at rather greater length. More likely is that the remainder of the book shows the creation and development of the kingship to be a central theme; to that this section forms little more than a prelude, and to lengthen it would be to unbalance the book.

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[2] This may be because of the especial interest of this theme for a Greek writer — see E. Gabba, "La 'Storia di Roma Arcaica' di Dionigi d'Alicarnasso", *ANRW* II 30.1 (1982), 804-7.

[3] 'datur haec venia antiquitati ut miscendo humana divinis primordia urbium augustiora faciat; et si cui populo licere oportet consecrare origines suas et ad deos referre auctores, ea belli gloria est populo Romano ut cum suum conditorisque sui parentem Martem potissimum ferat, tam et hoc gentes humanae patiantur aequo animo quam imperium patiuntur'.

What, then, of the treatment of religion in this section? Given the general compression of the narrative, it is hardly surprising to discover that Livy omits the majority of Dionysius' religious stories, nor, for the same reason, can this omission be regarded as significant. The treatment of Aeneas is more interesting. It is strange that Livy says nothing either directly or indirectly of his piety, though this had been associated with him in Homer,[4] and becomes his chief characteristic in later portrayals.[5] On the other hand, he mentions both his divine parentage[6] and his deification;[7] both of these mentions are brief, but this is explained by the general brevity of his account. The inevitable conclusion is that Livy is not especially interested at this point in his story in questions of appropriate religious behaviour; his aim is to show the city as having its origins in heaven[8] — note that Aeneas is said to escape Troy 'ad maiora rerum initia ducentibus fatis' (1.1.4), and that at the end of this part of the story Livy says 'sed debebatur, ut opinor, fatis tantae origo urbis maximique secundum deorum opes imperii principium' (1.4.1). The moralism that is central to his later treatment of religion is excluded, in favour of providing an appropriately supernatural origin for the city, and of foreshadowing his account of its rise to its present glory.[9]

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[4] *Iliad* 20.298-9: 'κεχαρισμένα δ' αἰεὶ / δῶρα θεοῖσι δίδωσι'.

[5] E.g. Xenophon, *Cyn.* 1.15; Lycophron, *Alex.* 1270; Diodorus 7.4.1-4; *Rhet. Her.* 4.46; the theme, of course, reaches its climax with Virgil's 'pius Aeneas'. For the popularity of iconographic representations of Aeneas carrying his father from Troy cf. *LIMC* 1.1 s.v. Aineias, although G.K. Galinsky, *Aeneas, Sicily and Rome* (Princeton, 1969), 53-61 claims that scholars have overemphasised the indications of piety in this scene. For portrayals of Aeneas at Rome see J.D. Evans, *The Art of Persuasion: Political Propaganda from Aeneas to Brutus* (Michigan, 1992), 35-54; on a 42 B.C. coin minted for Octavian (*RRC* 494/3a) the scene of the escape from Troy is shown without the bringing of the household gods, which is closer to Livy here, but Caesar's Aeneas coin (*RRC* 458) has Aeneas himself carrying the Palladium. Aeneas was shown sacrificing on several Augustan images, including the Ara Pacis (Evans (1992), 45-51; cf. P. Zanker, *The Power of Images in the Age of Augustus*, tr. A. Shapiro (Michigan, 1988), 203).

[6] 1.1.6: 'postquam audierit ... ducem Aenean filium Anchisae et Veneris'.

[7] 1.2.6: 'secundum inde proelium Latinis, Aeneae etiam ultimum operum mortalium fuit. situs est, quemcumque eum dici ius fasque est super Numicum flumen: Iovem indigetem appellant'.

[8] E. Burck, *Die Erzählungkunst des T. Livius* (Berlin, 1934), 138-9.

[9] See in general M. Ruch, "Le thème de la croissance organique dans le livre I de Tite-Live", *StudClas* 10 (1968), 123-31, on the way in which Livy emphasises Rome's growth to power in Book 1.

Romulus

With the birth of Romulus and Remus, on the other hand, the idea of a divine origin is given relatively less emphasis. Of the rape of Rea Silvia Livy says 'seu ita rata seu quia deus auctor culpae honestior erat, Martem incertae stirpis patrem nuncupat' (1.4.2), which, *contra* Ogilvie, is not a 'juxtaposition of a natural and a supernatural explanation'[10] — Livy does not even present the supernatural as a possibility.[11] The story of their being fostered by a wolf is retained, and is even referred to as a 'miraculum' (1.4.7), but is given far less of a religious bias than in Dionysius and Plutarch; Plutarch, *Romulus* 4 makes great play with the fact that the wolf (and also the woodpecker, which in his version assists in nourishing the children) is sacred to Mars,[12] while Dionysius 1.79.6-8 has the wolf acting 'ὥσπερὰν χειροήθης' (1.79.7) and then concealing herself in a sacred wood (1.79.8). Nothing of this is mentioned by Livy.

It might be thought that, when it comes to Romulus, Livy does not wish to make anything of the part played by divine providence. However, not only does the introduction to the story point to the gods' influence (1.4.1 quoted above, 128), but he also uses the phrase 'forte quadam divinitus' (1.4.4) to describe the flood which prevents the infants being drowned in the Tiber proper. More likely, then, is not that Livy did not wish to speak about divine providence, but that he did not wish to overemphasise it, and, in particular, did not wish to stress ideas of direct divine intervention which might be reasonable with the colourless figure of Aeneas, but might seem more out of place with the more fully realised Romulus; with the latter human elements have to be given fuller play.

The episode of the death of Remus (1.6.4-7.2) also raises some interesting points about the treatment of religious themes in this section. Livy gives two versions; in the first, the two brothers take their places on different hills to wait for auspices; Remus gets a sign first, of six vultures, but Romulus'

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[10] R.M. Ogilvie, *A Commentary on Livy Books 1-5* (Oxford, 1965), 48.

[11] Note also the next sentence: 'sed nec di nec homines aut ipsam aut stirpem a crudelitate regia vindicant: sacerdos vincta in custodiam datur' (1.4.3). The contrast between the claim of divine rape and the actual lack of divine aid becomes even more striking when we compare this with the version of Dionysius 1.79.2, followed by Plutarch (*Romulus* 7.9, 8.4, 9.1; cf. *Comparison of Theseus and Romulus* 5.1), which has Rea ultimately released (though Dionysius also cites a version in which she was put to death) and reunited with her children. Livy, on the other hand, never mentions her again.

[12] See also *Fort. Rom.* 8, *Quaest. Rom.* 21, Ovid, *Fasti* 3.37-8, Justinus 43.2.5, Servius, *ad Aen.* 1.273, all of whom treat the story in a similar way. It is especially striking that several of these accounts are even shorter than Livy's; this demonstrates that the absence of the theme is not simply due to his brevity. In iconography, likewise, the scene is sometimes given a specifically divine cast; cf. Evans (1992), 69-71.

sign is of twelve vultures. In the ensuing altercation between their followers Remus is killed. In the second version Remus is killed by Romulus himself, angry at Remus' mocking him by jumping over the city's new walls.

Each of these stories appear in other writers, and in each case we can observe significant differences in Livy's account. To begin with the augury story, it is worth noting first of all Ennius' version (*Annals* 72-91Sk.= 77-96V.), who has only Romulus getting the auspices — Remus' six vultures are not mentioned.[13] Similar was the version on the facade of the Temple of Quirinus, where only Romulus' birds seem to have been depicted.[14] Livy is therefore using a story which makes the divine sanction for Romulus less clear-cut, especially since there was, as far as we can tell, no method for resolving such a conflict as is found in his version, as it seems to run counter to the general principles of augury.[15]

Dionysius 1.86-87 has the same version as Livy, but with the important addition that Romulus, before either has seen any birds, attempts to deceive his brother by sending him a fraudulent message, claiming to have received a sign; this is also the version of Diodorus 8.5, except that Diodorus regards it as a mistake due to Romulus' over-haste rather than active deceit.[16] By comparison with these, therefore, Livy is sparing Romulus' character. On the other hand, when it comes to the second story of Remus' death, he has Romulus himself guilty of the murder, unlike the majority of writers, who regard it as the work of Celer[17] or otherwise explicitly justify it.[18] It thus

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[13] As the story is only in a fragment, it could be, of course, that Remus' vultures are mentioned by Ennius elsewhere; however, O. Skutsch, *The Annals of Quintus Ennius* (Oxford, 1985), 222 argues against this, pointing out that the fragment seems to cover not only Romulus' vultures, but all the events leading up to them. He also suggests that Cicero, *Div.* 1.107-8, who quotes this passage, would have been unlikely to have omitted Remus' vultures had they appeared in Ennius.

[14] A fragmentary relief portraying the scene on the temple is in the Terme museum: see Evans (1992), 97-100 with illustration.

[15] According to A. Bouché-Leclercq, *Histoire de la divination dans l'antiquité* (Paris, 1879-82), volume 4, 219, the only way of resolving conflict was for one of the omens to have *previously* been designated superior over the other, or for it to be a case of *obnuntiatio*, whereby the bad auspices would always prevail. Note also Ovid, *Fasti* 4.817, which has the two omens, but has them received simultaneously; the resolution in Romulus' favour is therefore clear, even if not paralleled in augury.

[16] Plutarch, *Romulus* 9.5 has a similar story to Dionysius; he presents the deceit only as an alternative version, but implicitly accepts it in what follows: 'ἐπεὶ δ' ἔγνω τὴν ἀπάτην ὁ Ῥῶμος, ἐχαλέπαινε' (*Romulus* 10.1).

[17] E.g. Diodorus 8.5; Dionysius 1.87.4; Ovid, *Fasti* 4.837-48. Plutarch, *Romulus* 10.1-2 mentions both versions. See H.J. Krämer, "Die Sage von Romulus und Remus in der lateinische Literatur", in *Synusia: Festgabe für W. Schadewaldt*, ed. H. Flashar and K. Gaisar (Pfullingen, 1965), 357-8, 372-6 on the way in which this version is stressed by writers wishing to present Romulus in a better light.

[18] Thus Plutarch, *Quaest. Rom.* 27 sees the killing as justified by Remus' impiety; cf. Propertius 3.9.50.

seems hard to get any overall picture of what Livy is doing with Romulus — at one point he appears to be criticising him, but at another is avoiding criticism.

The answer may be that he is criticising him only in a particular way: he is attempting to present Romulus as a warrior king, whose vices are ones of violence and haste rather than deceit. The doubts over the validity of the auspices, moreover, may be intended to prepare us for the doubts surrounding Romulus' death (for which see further below, 132-4). It is easier to accept the possibility that Romulus was a tyrant killed by his senators if we have previously seen that his acquisition of power may have been illegitimate.

One further idea that may be important here is the contrast between Romulus and Numa.[19] It is interesting to observe that Livy omits all of the aetiological side to the death of Remus, which is associated both with creation of the *pomerium*[20] and with the institution of the festival of the Parilia.[21] This is perhaps because he is less relentless than Dionysius in his cataloguing of aetiology,[22] but he includes a substantial piece on the *pomerium* at 1.44.3-5, which chronologically should stand here. Religious institutions are to be associated with Numa; those linked with Romulus, with certain key exceptions, are ignored or displaced.[23]

The three areas in which Romulus is seen by Livy as a religious innovator are first, the Ara Maxima cult (1.7.3-15), second, the *spolia opima* (1.10.5-7), and third, the vow of a temple to Jupiter Stator (1.12.3-7).[24] In the case of the second and third there is the connection with military events

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[19] The contrast is the one between warrior-king and priest-king discussed by G. Dumézil (e.g. *Mitra-Varuna: essai sur deux représentations indo-européennes de la souveraineté* (Paris, 1940), esp. 27-56). As we shall see, it is brought out especially clearly by Livy.

[20] As at Seneca, *Brev. Vit.* 13.8; Plutarch, *Romulus* 11; Gellius 13.14.

[21] As at Ovid, *Fasti* 4.819-56; Dionysius 1.88.3; Plutarch, *Romulus* 12.1-2. Livy's omission is especially striking when it is remembered that the festival had a strong political significance; Caesar had been keen to associate it with himself (see S. Weinstock, *Divus Julius* (Oxford, 1971), 184-91).

[22] On the importance of this sort of antiquarian material for Dionysius see E. Gabba, *Dionysius and the History of Archaic Rome* (Berkeley &c., 1991), 93-147.

[23] See W. Liebeschuetz, "The Religious Position of Livy's History", *JRS* 57 (1967), 48; R.J. Penella, "War, Peace, and the Ius Fetiale in Livy 1", *CPh* 82 (1987), 235. Dionysius 2.18-23 details Romulus' religious innovations, none of which are mentioned by Livy — though this may be due to his desire to present Romulus as a Greek-style lawgiver (see J.P.V.D. Balsdon, "Dionysius on Romulus: A Political Pamphlet?", *JRS* 61 (1971), 18-27; Gabba (1991), 154-8). Note also Varro, *Antiquitates Rerum Divinarum* fr.35 Card.: '[Romulus] constituit Romanis deos Ianum Iovem Martem Picum Faunum Tiberinum Herculem': only the last is in Livy.

[24] In the case of the third of these, one may compare the relative lack of emphasis on the vow at Dionysius 2.50.3, where it is only mentioned in an aside during a list of temple foundations by Romulus and Tatius, none of which appear in Livy.

that makes them especially appropriate to be associated with Romulus[25] — the religion of Numa, as we shall see, is closely linked with his peaceful reign. The first, however, is not as obviously appropriate, since it is the one example of Romulus being linked with a peaceful cult. But the end of the story makes it clear why it is suitable to be connected with him (1.7.15): 'haec tum sacra Romulus una ex omnibus peregrina suscepit, iam tum immortalitatis virtute partae ad quam eum sua fata ducebant fautor'. In this way Livy foreshadows Romulus' deification, and moreover links him with Hercules, the traditional heroic benefactor of mankind — an appropriate dignity for the founder of 'quam opulentissima olim in terris gens' (1.7.10).

So far the contrast between Romulus and Numa has been emphasised; however, certain aspects of the episodes under discussion point also to Romulus' being a precursor of Numa in the religious sphere. On the most basic level, of course, they all indicate his piety; more significant is that the temple of Jupiter Feretrius is said to be the first temple at Rome.[26] This is not mentioned by either Dionysius 2.34.4 or Plutarch, *Romulus* 16.3-6, even though their accounts are rather more detailed than Livy's; it shows that even in the sphere in which Numa was to be pre-eminent, namely the introduction of religion, the first step was taken by Romulus. We should also note Livy's treatment of the effect of Romulus' vow to Jupiter Stator. In Plutarch Romulus prays, and the Roman army hear the prayer and turn from flight through 'αἰδῶς ... τοῦ βασιλέως' (*Romulus* 18.9). In Livy their recovery is rather less spontaneous. Romulus prays, and then (1.12.7):

> *veluti si sensisset auditas preces*, 'hinc', inquit 'Romani, Iuppiter optimus maximus resistere atque iterare pugnam iubet'. restitere Romani *tamquam caelesti voce iussi.*

Livy nowhere indicates that Romulus' prayers had genuinely received a divine response: the implication of the passage is rather that he is using religion in order to improve his troops' morale by appealing to religious feelings in them; this idea, too, will be associated with Numa above all.

The final aspect of the reign of Romulus that must be considered is the account of his death (1.16). He is reviewing his troops, when a storm breaks, he is covered by a cloud and disappears; the senators standing by him say that he has been carried up to heaven, and he is proclaimed as a god. However, the story goes about that he was murdered by the senators, until Julius Proculus claims to have seen him deified.

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[25] P.M. Martin, *L'idée de royauté à Rome* (Clermont-Ferrand, 1982), 87.

[26] 1.9.7: 'haec templi est origo quod primum omnium Romae sacratum est'.

Note first that Livy does not himself vouch for the supernatural version; on the contrary, he gives certain hints that he regards the story of the murder as the one that should be accepted.[27] He introduces the story by referring to Romulus' relative unpopularity with the Senate and popularity with the commons and soldiers;[28] this provides a motive for the senators' murdering him, especially when Livy goes on to speak of his personal bodyguard,[29] which would make a first century reader think above all of someone aiming at tyranny.[30] Moreover, only senators see the apotheosis (1.16.2). Proculus, too, while described as 'gravis ... quamvis magnae rei auctor' (1.16.5), is hardly the unimpeachable source that he is in Dionysius[31] and Plutarch.[32] Livy also does not refer to the story that Romulus vanished during a total eclipse;[33] this would suggest at the very least a divine sign at his death.

Just as with his accounts of Romulus' birth and acquisition of the kingship, therefore, Livy undermines his claims to be supernaturally favoured, and instead stresses his human side, and in particular emphasises the picture of him as an assassinated tyrant. However, here too we can see Livy not wishing to undermine such claims completely, and including elements that allow the idea of divine support for Rome to come through. The use of the Ara Maxima story to point forward to Romulus' deification has already been noted (above, 131-2); observe also 1.15.6: 'haec ferme Romulo regnante domi militiaeque gesta, quorum nihil absonum fidei divinae originis divinitatisque post mortem creditae fuit'. This passage, coming as it does directly before the account of Romulus' death, may be seen as going some way towards counteracting the impression left by that account itself that Romulus' divinity was nothing more than a senatorial hoax. Finally, we may note the prophecy put into Romulus' mouth by Proculus (1.16.7), that Rome will be 'caput orbis terrarum'; the fact that it comes true adds to the

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[27] Liebeschuetz (1967), 46-7.

[28] 1.15.8: 'multitudini tamen gratior fuit quam patribus, longe ante alios acceptissimus militum animis'. This is part of a general stress on the military side of Romulus at the end of his reign, perhaps to prepare the way for the contrast with Numa.

[29] 1.15.8: 'trecentos ... armatos ad custodiam corporis quos Celeres appellavit non in bello solum sed etiam in pace habuit'.

[30] This picture of Romulus was common in Republican literature, especially in comparisons with allegedly tyrannical contemporary politicians. See C.J. Classen, "Romulus in der römischen Republik", *Philologus*.(1962), 183-90.

[31] 2.63.3: ''Ιούλιος ὄνομα τῶν ἀπ' 'Ασκανίου γεωργικὸς ἀνὴρ καὶ τὸν βίον ἀνεπίληπτος, οἷος μηδὲν ἂν ψεύσασθαι κέρδους ἕνεκα οἰκείου'.

[32] *Romulus* 28.1: 'ἤθει τε δοκιμώτατον αὐτῷ τε 'Ρωμύλῳ πιστὸν καὶ συνήθη ... τῶν ἁγιωτάτων ἔνορκον ἱερῶν ἁψάμενον εἰπεῖν κτλ'. Cf. *Romulus* 28.3: 'ταῦτα πιστὰ μὲν εἶναι τοῖς 'Ρωμαίοις ἐδόκει διὰ τὸν τρόπον τοῦ λέγοντος καὶ διὰ τὸν ὅρκον'.

[33] As at Cicero, *Rep.* 1.25; Dionysius 2.56.6; Plutarch, *Romulus* 27.6-7, *Fort. Rom.* 8. Livy speaks only of a 'subito coorta tempestas' which hides him in a dark cloud (1.16.1).

sense of genuine supernatural intervention. Compare Livy's treatment of Scipio (above, 60-2); there too the portrait is balanced between a genuine sense of the divine and a rationalising version unfavourable to the subject.

The balance that we find in Livy's account of Romulus' death might be thought to have political significance; apart from Augustus' own use of the Romulus myth (which may not be relevant if we accept a triumviral date for the pentad), Caesar, who had deliberately associated himself with Romulus,[34] had been assassinated under circumstances not dissimilar from the unfavourable 'rationalising' version in Livy, and had been deified. Perhaps, then, Livy is keeping his political options open, by including elements that stress the former picture as well as the latter. However, we should not overlook the degree to which this answers the needs of his narrative: the picture of the assassinated military tyrant contrasts with Numa,[35] while the deification points to the future greatness of Rome.

Numa

As was said above, Numa is presented by Livy as the institutor of Roman religion: the bulk of his description of his reign is connected with this. The first time he appears, Livy says 'inclita iustitia religioque ea tempestate Numae Pompili erat' (1.18.1); contrast Cicero, *Rep.* 2.25, for whom he is simply 'praestantem', and Dionysius 2.58.2, who similarly introduces him as 'ἐπιφανοῦς' and 'ἡλικίας ... τῆς φρονιμωτάτης ὄντα'. Plutarch, it is true, refers to his 'θεραπείαν θεῶν' (*Numa* 3.6), but this is in the course of a long account of his philosophical virtues, on which his sketch concentrates. Only in Livy is Numa's piety the central feature used to illustrate his character.

In the sequence in which Numa is offered the kingship (1.18.5-10) the stress once again is above all on religion: Numa insists that his election must be ratified by the gods 'sicut Romulus augurato urbe condenda regnum adeptus est' (1.18.6). This establishes his continuity with his predecessor; however, there is also an element of innovation. The ritual that follows is recounted in great detail; there was no such formal description with Romulus' election, and the impression is thereby given that this ritual is to

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[34] Weinstock (1971), 175-97.

[35] Compare the 'deified' Romulus' final words to the Romans (1.16.7): '*rem militarem* colant sciantque et ita posteris tradant nullas opes humanas *armis Romanis* resistere posse'. Contrast Plutarch, *Romulus* 28.3, where Romulus advises above all σωφροσύνη.

be associated with Numa above all.[36] As before, therefore, in the implicit comparison between Romulus and Numa both continuity and innovation are emphasised.[37] Moreover, while the ritual is very detailed, the auspices themselves are not;[38] unlike with Romulus, it is not the receiving of divine sanction so much as the ritual itself that is at issue.

With the acts of Numa's reign, as well, it is above all those concerned with religion that interest Livy.[39] His account is little more than a list, unlike the more detailed descriptions in Dionysius and Plutarch; none the less, all major innovations associated with Numa are included, and they between them make up virtually the whole of the admittedly brief description of his reign (1.19.6-20.7; 1.21.3-5).

More significant still is the way in which Livy explains and justifies the emphasis that Numa placed upon religion. The contrast with Romulus is made clear from the start: Numa is described as the second founder of Rome, who does for the city in peace what Romulus had done for it in war.[40] 'In peace', moreover, is not merely a way of saying 'at home'; the fact that Numa's reign is peaceful is closely linked with his religious reforms. This link comes about in three distinct stages; first, Numa sees that in order to instil civilisation into the people, he has to make them less warlike (1.19.2); hence he institutes the temple of Janus to separate peace from war, and then makes treaties with the neighbouring peoples (1.19.2-3). The temple of Janus was also associated with Numa by Plutarch, *Numa* 20,[41] but there is no indication there that it forms a key part of Numa's

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[36] On the inauguration of Numa see J. Linderski, "The Augural Law", *ANRW* II 16.3 (1986), 2256-96. It is especially striking that the ritual that Livy quotes is based on that used for inaugurating priests (Linderski (1986), 2256); Numa's status as 'priest-king' and as the founder of Roman religion is thus made clear.

[37] Dionysius has nothing of this, saying only 'τελευταῖον ἔτι τῶν ὀρνιθοσκόπων αἴσια τὰ παρὰ τοῦ δαιμονίου σημεῖα ἀποφηνάντων παραλαμβάνει τὴν ἀρχήν' (2.60.3). Moreover Plutarch, in a passage otherwise very closely dependent on Livy (*Numa* 7.4-7), does not refer to Romulus' earlier auspices — for Plutarch, who is writing separate lives of the pair, the relation between them is less important.

[38] We can again contrast Plutarch, *Numa* 7.6-7, who expands the section in which the auspices are received.

[39] These, naturally, were likely to be central in any account of his reign; however, Numa was associated also with secular reforms and innovations by Dionysius 2.62, 75-6 and Plutarch, *Numa* 16-17. Nothing of these appears in Livy.

[40] 1.19.1: 'qui regno ita potitus urbem novam conditam vi et armis, iure eam legibusque ac moribus de integro condere parat"; also 1.21.6: "ita duo deinceps reges, alius alia via, ille bello, hic pace, civitatem auxerunt'. Compare Virgil, *Aen.* 6.810-11: 'primam qui legibus urbem / fundabit'.

[41] Though not, interestingly, by Dionysius; this may simply be due to his using different sources, but it is noticeable that he is less interested than either Livy or Plutarch in the peacefulness of Numa's reign, which is only mentioned briefly, once at the beginning of his account (2.60.4), and once at the end (2.76.3). Indeed, at 2.72.3 he even presents Numa as being about to use war against Fidenae.

strategy to pacify Rome.[42] How precisely it is meant to do this is rather obscure — there is no obvious reason why the existence of an institution which separates war from peace should encourage people to take up the latter rather than the former. Clearly Livy is anxious to tie the religious innovation in with the idea of peace as closely as possible, regardless of strict logic.

The second stage is that, in order to prevent the now peaceful people from going soft without the discipline of war, Numa decides to replace the 'metus hostium' by 'metus deorum'. The importance of *metus hostilis* in the life of a nation is an ancient commonplace;[43] so too is the idea of religion as a ploy in order to maintain morality among the people.[44] But to connect the two, so that the one replaces the other, is much rarer. The alteration of these traditional themes points once again to Livy's desire to parallel and contrast the careers of Romulus and Numa; Numa's contribution to peace must be seen as equally effective as Romulus' to war.

The third stage is that, in order to persuade the people to adopt his religious reforms, Numa pretends to be introducing them at the behest of the goddess Egeria, with whom he has nightly meetings (1.19.5; cf. 1.21.3). Livy is quite clear that this is simply a deception on the part of Numa — he says '*simulat* sibi cum dea Egeria congressus nocturnos esse' (1.19.5) and 'se persaepe Numa sine arbitris *velut* ad congressum deae inferebat' (1.21.3). In being sceptical about this, he is supported by the majority of ancient sources; however, he is unusual in not even putting it forward as a possibility that the story was true.[45] Doubtless, as was said above, when it comes to Numa, he is less interested in the supernatural, and more in his religious innovations: this, however, is hardly enough to explain his actively denying it. The answer may be that he is intending to stress Numa's political shrewdness — there is certainly no indication that this political use of religion is to be deprecated. The idea of historical progress that is suggested by 1.19.4,[46] however, should also be noted. Livy regards the

[42] It is perhaps significant that Livy makes this the first of Numa's acts, unlike Plutarch, who puts it near the end. See Burck (1934), 148.

[43] It is found, for example, at Polybius 6.57.5-9; Catullus 51.15-16; Sallust, *Jugurtha* 41.2-4. See D.C. Earl, *The Political Thought of Sallust* (Cambridge, 1961), 47-8; Ogilvie (1965), 94-5.

[44] See, for example 'Critias' 88DK fr.25 (discussed by A. Dihle, "Das Satyrspiel 'Sisyphos'", *Hermes* 103 (1977), 28-42); Polybius 6.56.6-15; Cicero, *Div.* 2.70.

[45] Only Ennius, *Annals* 113Sk.=119V. seems to treat it as genuine; however, both Dionysius (2.60.4-61.3) and Plutarch, *Numa* 4 discuss the matter at length, and are at least prepared to entertain the possibility. Compare Plutarch, *Fort. Rom.* 9, who refers to it as 'ἴσως μυθωδέστερον', and Cicero, *Leg.* 1.14, where, speaking of early historians, he says 'nec dubito quin idem et cum Egeria conlocutum Numam ... putent'.

[46] 'rem ad multitudinem imperitam et illis saeculis rudem efficacissimam'.

manipulation of religion to control the masses as only suitable when the city is in a state of infancy; later, it is implied, it will be less desirable.[47]

One further passage where Livy links peace to Numa's reforms is 1.21.1-2; there they are seen not only as a natural corollary of peace, but as its cause. Numa is successful in turning the Romans away from warfare, and his influence is even felt further afield (1.21.2):

> et cum ipsi se homines in regis velut unici exempli mores formarent, tum finitimi etiam populi, qui antea castra non urbem positam in medio ad sollicitandam omnium pacem crediderant, in eam verecundiam adducti sunt, ut civitatem totam in cultum versam deorum violari ducerent nefas.

As a piece of historical reconstruction, of course, this is nonsense, and shows only Livy's naivety. However, it is important to the picture that he is presenting, in that it first of all reinforces the connection between Numa's peaceful reign and his religious innovations; not even fighting in self-defence was required, as Numa's peace has generated religion, which in turn generates further peace. Secondly, it once again points up the contrast between Numa and Romulus, whose uneasy relationship with his neighbours was described throughout his reign — fears of precisely the sort described here had been the cause of war with Fidenae (1.14.4) and Veii (1.15.1).

Tullus Hostilius

Tullus is above all noted for his *ferocitas*, which Livy associates with him throughout his reign.[48] However, Livy is also concerned in various ways to point out the relationship between his character and actions and those of his two predecessors; thus he introduces him by calling him 'non solum proximo regi dissimilis sed ferocior etiam quam Romulus fuit' (1.22.2). This comparison comes out above all at the end of the reign. Rome is afflicted by a plague, which leads the Romans to resent the war; however, the *bellicosus* Tullus keeps them fighting, until he himself falls ill (1.31.5). The remainder should be quoted in full (1.31.6-8):

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[47] Contrast Polybius 6.56.7 and Cicero, *Div.* 2.70, both of which present such a use of religion as more generally admirable. See further my discussion of 6.1.10 (below, 205), and 26.19.3-9 (above, 60-1), where Scipio's employment of similar techniques is treated by Livy rather more critically.

[48] E.g. 1.22.2, 1.23.4, 1.23.10, 1.27.10, 1.31.6. See Ogilvie (1965), 105.

> tunc adeo fracti simul cum corpore spiritus illi feroces ut qui nihil ante ratus esset minus regium quam sacris dedere animum, repente omnibus magnis parvisque superstitionibus obnoxius degeret religionibusque etiam populum impleret. volgo iam hominibus eum statum rerum qui sub Numa rege fuerat requirentes, unam opem aegris corporibus relictam si pax veniaque ab dis impetrata credebant. ipsum regem tradunt volventem commentarios Numae, cum ibi quaedam occulta sollemnia sacrificia Iovi Elicio facta invenisset, operatum his sacris se abdidisse; sed non rite initum aut curatum id sacrum esse, nec solum nullam ei oblatam caelestium speciem sed ira Iovis sollicitati prava religione fulmine ictum cum domo conflagrasse.

Tullus is thus presented as adopting the positions of both his predecessors, but as taking those positions to undesirable extremes. His being 'ferocior etiam quam Romulus fuit' (1.22.2) leads him to keep his unwilling army in the field far longer than he ought; we should not miss the irony of 'salubriora etiam credente militiae quam domi iuvenum corpora esse, donec ipse quoque longiquo morbo est implicitus' (1.31.5). He has, moreover, gone beyond Romulus in actively neglecting religion. Then, when his illness strikes, he goes beyond Numa, becoming excessively religious; he desires to return to Numa's ways, but does so incorrectly, and consequently is punished.[49] Moreover, the picture of Tullus attempting to propitiate Jupiter Elicius bears a certain resemblance to that of Numa and Egeria; like Numa, he performs the rites in secret (cf. 1.21.3: 'sine arbitris'), and is seeking personal contact, not merely divine favour (1.31.8: 'caelestium speciem'); it is also significant that the ritual which he follows incorrectly is that laid down by Numa himself.

This section is notable also for being the first place in the work where the theme of prodigies as divine punishment for misbehaviour appears.[50] It is there, plainly, in the thunderbolt of Jupiter that kills Tullus, and may also be seen in the thought of the people at 1.31.7 that in order to avert the plague

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[49] Livy has no mention of the alternative version of Tullus' death, according to which he was assassinated by Ancus Marcius (Dionysius 3.35.2-6; Zonaras 7.6); this would fit less well with the picture of divine reward and punishment that he is seeking to establish in this section, and moreover would hardly suit his portrayal of Ancus, which, as we shall see, is extremely favourable. It would also undermine the scheme of the book; as things stand, there is a contrast between the first four kings, who ascend to the throne more or less legitimately, and the Tarquins, who gain power through usurpation.

[50] It is true that the idea appears at 1.23.4, where Tullus claims that the death of Cluilius is the gods' punishment for his having started the war (compare Dionysius 3.5.1). However, in Livy, unlike in Dionysius, it is only Tullus' own interpretation, and is treated as another example of his violent hostility ('ferox praecipue morte regis'); moreover, whereas in Dionysius 3.2.1-3 the fault for the war lies with Cluilius, in Livy 1.22.2 it is Tullus who is to blame ('undique materiam excitandi belli quaerebat'), though he passes the responsibility onto Cluilius by a legalistic slight of hand (see N. Erb, *Kriegsursachen und Kriegsschuld in der ersten Pentade des T. Livius* (dissertation, Zürich, 1963), 15-16).

it is necessary to return to Numa's religious practices — the plague is a punishment for Roman impiety. It may also be significant that the passage directly before this one describes the first rain of stones, and the institution of the *novendiale* ceremony to expiate it (1.31.1-4) — a story unique to Livy. The voice that accompanies the rain of stones directs its accusations at the people of Alba Longa for abandoning their ancestral rites; however, the people of Alba are now integrated into Rome (1.30.1-3), and it was the Romans who compelled them to leave their gods behind.[51] It is therefore in a sense another example of Roman impiety, and it is thus appropriate that it should be the Romans who must expiate this, and that it should be followed by a passage dealing more generally with the lack of religion at Rome.

The picture of Tullus' reign thus far seems clear: he begins as someone excessively warlike and violent, who is utterly impious, and then at the end of his reign becomes excessively pious, to the point of offending the gods. However, the detail of his reign does not in fact altogether fit this picture, as he seems to show a certain regard for religion even in his earlier, warlike state.[52] We may, for example, note his care to declare war 'pie' (1.22.4; cf. the recurrence of the idea at 1.22.7 and 1.23.4). This is perhaps a cynical perversion of Numa's religious ideas — it is certainly true that he arranges this by employing a legalistic trick (1.22.5-7). The same objection, however, cannot be made to his association with the institution of the treaty formula (1.24.4-9), nor to his vow to create twelve Salii and shrines to Pallor and Pavor (1.27.7).[53] It is true that all of these are connected with war, and so separate him from the peaceful Numa, but this is still hardly the neglect of religion that was suggested by the account of the end of his reign.

How, then, should this be explained? The conclusion that Livy is being inconsistent is hard to avoid, and the reason may be that for much of Tullus' reign he is less concerned to compare him with Romulus and Numa, and is more interested in contrasting him, as the Roman leader, with the treacherous Alban general Mettius Fufetius; for this, Tullus must be shown as not completely alien from traditional Roman virtue. At the end of his reign, on

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[51] This theme is given particular emphasis at the destruction of Alba Longa: see 1.29.4 'larem ac penates ... relinquentes' and 1.29.5 'velut captos relinquerent deos'. Compare 1.31.3: 'visi etiam audire vocem ingentem ex summi cacuminis luco ut patrio ritu sacra Albani facerent, quae *velut dis quoque simul cum patria relictis* oblivioni dederant, et aut Romana sacra susceperant aut fortunae, ut fit, obirati *cultum relinquerant deum*'.

[52] See Erb (1963), 16-17.

[53] Moreover, Dio fr.6.5 places this after Tullus has fallen ill and turned to religion; the fact that Livy has it here may therefore suggest that his interest above all is in keeping his schematic account of the end of the reign intact; it would be less effective if Tullus in his decline was shown as exhibiting proper piety.

the other hand, Livy wants to be able to show how he represents a perversion of the values of Romulus and Numa, in order to contrast him with his successor Ancus, who represents a desirable combination of those same values.[54]

Ancus Marcius

Ancus' resemblance to Numa is stressed from the start of his reign.[55] He is Numa's grandson (1.32.1), and is said to be 'avitae gloriae memor'; he thus rejects the neglect of religion by Tullus, as well as his later misuse of it (1.32.2) — with respect to the latter, unlike Tullus, who keeps the *commentarii* that he has discovered to himself, Ancus publishes them, thus ensuring that they are publicly understood and observed.[56] The link between Ancus and Numa is again mentioned when the Romans are said to hope that a new reign of peace is at hand (1.32.2); however, the Latins are encouraged by this to attack Rome, 'desidem Romanum regem inter sacella et aras acturum esse regnum' (1.32.3). This is, of course, in fact a more likely response than the one given to Numa's comparable behaviour (above, 137); nevertheless, Livy does not explain the discrepancy. His reason for it is that he is presenting Numa as a man of unsullied peace, whereas of Ancus he says 'medium erat in Anco ingenium, et Numae et Romuli memor' (1.32.4).[57] This aspect of him, the combining of the features of both the warlike Romulus and the peaceful Numa, is seen above all in the central event of Livy's account of his reign: the introduction of the fetial formula, to set war on a religious footing (1.32.5-14).[58]

Livy is unusual among ancient writers in attributing the fetial formula to Ancus; Dionysius 2.72 and Plutarch, *Numa* 12.6-8 attribute it to Numa, while Cicero, *Rep.* 2.31 attributes it to Tullus. It is clear why Livy, in view of his careful separation of the warlike Romulus from the peaceful Numa, would not have wished a religious event associated with war to be included

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[54] See Penella (1987), 236-7.

[55] Burck (1934), 156.

[56] 1.32.2: 'longe antiquissimum ratus sacra publica ut ab Numa instituta erant facere, omnia ea ex commentariis regiis pontificem in album elata proponere in publico iubet'.

[57] This idea appears again at 1.35.1, where he is said to be 'cuilibet superiorum regum belli pacisque et artibus et gloria par'.

[58] The significance of the fetial formula in combining religious and military values is seen at 1.32.5: 'ut tamen, quoniam Numa in pace religiones instituisset, a se bellicae caerimoniae proderentur, nec gererentur solum sed etiam indicerentur bella aliquo ritu'. See Penella (1987), 236-7; also H. Haffter, "Rom und römische Ideologie bei Livius", *Gymnasium* 71 (1964), 244-5 on the importance of this episode in building up a picture of the ideal Roman statesman.

in the reign of the latter. His rejection of Tullus, however, is probably not because it would not have fitted in with his reign — we have already seen that for most of his account Livy is happy to associate religious material with him. It is more likely to be a positive choice in favour of Ancus, who can thus be seen as rounding off this part of the book by summing up all that was best in his predecessors.

The Tarquins

Each of the Tarquins gains the throne through usurpation, while Superbus loses it through a revolution. The second half of the book thus contains four transfers of power, to which a considerable amount of interest attaches. In particular, each has religious material associated with it; the first thing that will be discussed, therefore, is how this material is used.

The first occurs when Tarquinius Priscus is on his way to Rome; an eagle appears and snatches his cap, then returns it; his wife Tanaquil interprets this as prophesying his future greatness (1.34.8-9). This story appears also at Cicero, *Leg.* 1.4, Dionysius 3.47.3-4, Silius Italicus 13.818-20 and Zonaras 7.8, and there are few differences between them in the omen itself. In Tanaquil's interpretation, however, there is more variation. Cicero and Zonaras do not mention it at all, while Dionysius and Silius both have her explaining it as a direct prophecy of the kingship.[59] Livy, on the other hand, says only 'excelsa et alta sperare complexa virum iubet' (1.34.9) — Tanaquil then goes on to point out salient features of the omen, but the kingship itself is never mentioned. That it is meant is hinted at, not least at 1.34.6, where Tarquin is encouraged to go to Rome by the fact that people can rise to power there by their own efforts — the examples given are all kings, Tatius, Numa and Ancus. However, the omen is not taken as referring directly to it; the result is that Tarquin's accession to the throne is seen as being less directly sanctioned by the gods, and as being more the result of his own ambition; this makes his rule seem that much less legitimate, and so prepares the way for his assassination at the hands of the sons of Ancus, whom he had supplanted.[60]

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[59] Dionysius 3.47.4: 'ἀγαθῶν ἐλπίδων ἐνέπλησεν ὡς ἐξ ἰδιωτικῆς τύχης εἰς ἐξουσίαν βασιλικὴν ἐλευσόμενον'; Silius 13.819-20: 'venturaque dixit / regna viro'.

[60] Burck (1934), 158 notes this difference between Livy and Dionysius, but regards it as simply due to Livy's desire to increase the tension of the narrative. This may be part of the explanation, but this cannot be all there is to it: he is often prepared to have more precise prophecies (e.g. the story of Brutus below, 143-5) when it suits his purposes.

Servius Tullius' rise to power is also heralded by an omen that is interpreted by Tanaquil, a fire that plays around his head (1.39.1-4). This too is a common story in other writers;[61] and its central details are again told without significant variation. The main variant is in Dionysius, Ovid and Plutarch, who preface the account of the fire playing around his head with a story that he was conceived by a fiery set of genitals. It may be propriety alone that leads Livy to avoid this version,[62] but it also may be the case that he does it for similar reasons to those that led him to alter the story of the omen given to Tarquin. The main thrust of his account is to minimise the influence of the divine, so as not to justify the usurpations.[63] This would be seriously undermined were he to turn Servius into a semi-divine figure.[64]

Here too, moreover, there is an important difference in the way that Livy has Tanaquil interpret the omen. Most writers do not mention any interpretation, or else speak only vaguely of its heralding his future rise to the kingship.[65] Livy, however, has Tanaquil prophesying (1.39.3):

> scire licet hunc lumen quondam rebus nostris dubiis futurum praesidiumque regiae adflictae; proinde materiam ingentis publice privatimque decoris omni indulgentia nostra nutriamus.

The stress here is above all on the idea that Servius will benefit Tarquin's family personally; that he will aid the state appears only in the one word 'publice'. There is also a further side to this episode. When Tanaquil realises that Tarquin has been assassinated, she sends for Servius and reminds him of the omen (1.41.3):[66]

> Servi, si vir es, regnum, non eorum qui alienis manibus pessimum facinus fecere. erige te deosque duces sequere qui clarum hoc fore caput divino quondam circumfuso igni portenderunt. nunc te illa caelestis excitet flamma; nunc expergiscere vere.

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[61] E.g. Cicero, *Div.* 1.121; Dionysius 4.2; Ovid, *Fasti* 6.631-6; Florus 1.1.6.1; Plutarch, *Fort. Rom.* 10; *De Vir. Ill.* 7; Servius, *ad Aen.* 2.683; Zonaras 7.9.

[62] Cf. P.G. Walsh, *Livy: His Historical Aims and Methods* (Cambridge, 1961), 78-80.

[63] Though Servius' rule is progressively legitimised after he has taken power (below, 146-7).

[64] As he is, for example, at Dionysius 4.2.2: 'κρεῖττον ἢ κατὰ τὴν ἀνθρωπείαν φύσιν'.

[65] E.g. Plutarch, *Fort. Rom.* 10: 'σημεῖον ... χρηστὸν ἐπὶ τὴν ἀπροσδόκητον ἡγεμονίαν'.

[66] Contrast Dionysius 4.4.4-8, who has Tanaquil delivering a long speech to Servius at this point, but one concerned entirely with practical discussion of the advantages of his seizing power, and of the method whereby it might be done.

The connection with the kingship is made here, but it is made by Tanaquil herself in order to impel Servius to take the throne; the omen is still not said directly to indicate anything more than that Servius' head will be 'clarum'. Even here, therefore, we must still see the accession of Servius to the kingship as due to personal ambition and the support of Tanaquil, rather than to the support of the gods.

The only one of these four transfers of power not to be associated with an omen is the rise to power of Tarquinius Superbus, no doubt because his rule is the least legitimate and most justly overthrown; there is other religious material here that points directly to those conclusions. Livy places great stress on the impiety of Tarquin and Tullia: Tarquin refuses to bury Servius (1.49.1),[67] while Tullia drives her chariot over his body (1.48.7). This latter is a story that appears elsewhere,[68] but Livy has certain details that are unique to him. Tullia's impiety is brought out in particular by having it occur at the temple of Diana (1.48.6), a temple, as will be shown below, that has played an important part in the account of Servius' reign, helping to create a picture of his greatness and virtue. Moreover, the appalling nature of the crime is stressed by giving it a supernatural origin (1.48.7: 'agitantibus furiis sororis ac viri'), as if it were something that could never be done under normal circumstances, so has to be attributed to the vengeance of the gods driving her insane; we may note the reappearance of the theme at Tarquin's overthrow.[69] Finally, Livy uses the episode to foreshadow the end of Tarquin's rule (1.48.7): 'tulisse ad penates suos virique sui, quibus iratis malo regni principio similes propediem exitus sequerentur'.[70]

The final overthrow of Tarquin is the last transfer of power in the book, and it too is accompanied by omens. First a snake appears out of a pillar, and so Tarquin sends his sons and Brutus to Delphi to find out its meaning (1.56.4-7); at Delphi they carry out the king's orders, and in addition ask which of them will gain the kingdom, to which the oracle replies that the

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[67] This story also appears in Dionysius 4.40.5-6, who, however, relates it specifically to Tarquin's desire to avoid a state funeral; Servius is in fact buried by his wife in a private ceremony. Of this there is no indication in Livy — as far as we can tell, the body remains unburied.

[68] E.g. Dionysius 4.39.4-5; Ovid, *Fasti* 6.601-10; Silius Italicus 13.833-8; Florus 1.1.7.3; Zonaras 7.9.

[69] 1.59.13: 'inter hunc tumultum Tullia domo profugit exsecrantibus quacumque incedebat invocantibusque parentum furias viris mulieribusque'.

[70] We may compare 1.46.3, at the beginning of Tarquin's plot: 'tulit enim et Romana regia sceleris tragici exemplum, ut taedio regum maturior veniret libertas ultimumque regnum esset quod scelere partum foret'. On Livy's 'tragic' treatment of the rise and fall of Tarquin see F. Bellandi, "Scelus Tulliae: storiografia e tipologia tragica in Dionigi, Livio, Ovidio", *PP* 31 (1976), 148-68, esp. 158-9.

first one of them to kiss his mother will have 'summum imperium' (1.56.10); Brutus interprets this correctly, pretends to slip, and kisses the earth (1.56.12).

Most writers on the fall of Tarquin have it foreshadowed in some way, but only Ovid, *Fasti* 2.711-20, has the same sequence of events as Livy. Accius (quoted in Cicero, *Div.* 1.44-5) has Tarquin dreaming, and the dream is interpreted by the soothsayers to mean that he should beware of someone he believes to be stupid, lest he drive him from his throne; it also prophesies the future greatness of Rome. Dionysius 4.63.2-3 has an omen of a family of eagles killed by vultures; he does not, however, connect this with the mission to Delphi, which takes place because of a plague, though otherwise the story is the same as in Livy (4.69.2-4). Zonaras 7.11, on the other hand, combines the versions of Dionysius and Livy: he has both omens, and it is to learn about these that the mission to Delphi takes place. He adds one detail of his own: he has the oracle replying that Tarquin will not fall until a dog speaks — however, he never explains how this prophecy is fulfilled.

Why, then, did Livy select the version that he did? One point stands out from his account when we compare it with the passages that foretold the rise of Priscus and Servius: that he is quite unequivocal about the meaning of the prophecy given to Brutus — this reflects the fact that Brutus' acquisition of power, unlike those of the Tarquins, is to be seen as completely legitimate, and hence as having the full support of the gods. This alone provides him with a reason to avoid Accius' version, which seems to give Tarquin the opportunity of averting his fall. His objection to Dionysius is presumably artistic — he tends to aim at a more concentrated narrative, and so would naturally have the omen and the mission to Delphi forming a single story.[71] This, however, presents him with a problem: how should the oracle explain the omen? To have it give the answer that it means that the Tarquins will fall would be impossible, without undermining the effect of the subsequent story, in which the sons of Tarquin have to be able to think that there is a real possibility that one of them might ascend to the throne; it would also ruin the contrast between the ostensibly intelligent but in fact deluded Tarquins and the ostensibly dim-witted but in fact enlightened Brutus. The solution that he adopts is simply to say 'perfectis patris mandatis', which

[71] Why he does not have the specific omen that appears in Dionysius is more doubtful. The compression of his narrative in this book might make him reluctant to include both, as was later done by Zonaras; and possibly the snake omen was more likely to engender fear, and so to justify sending to Delphi rather than employing native soothsayers. See 1.56.4: 'cum terrorem fugamque in regiam fecisset, ipsius regis non tam subito pavore perculit pectus quam anxiis implevit curis'.

solves his problem, but only at the cost of a brief jolt in the logic of the narrative.

There are thus certain patterns in Livy's treatment of the religious events surrounding the transfers of power: in particular, the less legitimate the transfer, the less likely Livy is to have it explicitly foreshadowed by an omen. However, there are also religious events that take place within the body of the reigns, and we should now examine how these fit with the picture that has been established.

In the reigns of Servius and Superbus there are omens that seem to relate not so much to the circumstances of the reigns as to the future greatness of Rome as a whole. At 1.45.4-7 a prophecy comes that whichever nation's citizens sacrifice a certain heifer to Diana, that nation will achieve *imperium*; a Sabine attempts to sacrifice it, but is tricked out of it by the Roman priest of Diana.[72] Then, in the reign of Superbus, there are two similar omens:[73] when he builds the temple of Jupiter on the Capitol, the auguries allow him to remove all existing shrines except that of Terminus — this is taken to show the permanence of Roman power (1.55.3-4). After this, a head is found on the site of the future temple: this shows that the Capitol will be 'arcem ... imperii caputque rerum' (1.55.5-6).[74]

Are we to see any connection between these episodes in Livy? They have a certain cumulative effect, reminding us of the growth of Roman power under the Tarquins — as will be seen, this connection is made by Livy directly. Moreover, as the book comes to an end and the Republic draws closer, Livy appropriately signals Rome's future greatness more strongly.[75]

Further points of interest emerge if we see how these episodes relate to their context. First, the heifer story is introduced with a highly favourable account of the state of Rome under Servius.[76] Servius then decides to extend her influence still further by imitating the temple of Diana at Ephesus and building a temple jointly with the Latins (1.45.2); that temple is built at Rome, and of this Livy says 'ea erat confessio caput rerum Romam esse, de

[72] This story is only otherwise found at Zonaras 7.11; it is not in Dionysius, though he discusses the building of the temple at 4.26.3-5.

[73] Though Livy does not mention the version of the second of these that is found in Dionysius 4.60.1-61.2 and Zonaras 7.11, in which the Etruscan soothsayer who is consulted by the Romans attempts to trick them into turning the omen into one for the Etruscans — that would perhaps be too close to the story of the heifer earlier.

[74] For the first see Dionysius 3.69.5-6 (who puts it in the reign of Priscus); Florus 1.1.7.7-9; Servius, *ad Aen.* 9.446. For the second see Dionysius 4.59.2-61.2; Florus 1.1.7.9; Zonaras 7.11.

[75] Burck (1934), 170. The juxtaposition of the second episode with the story of the omens of Tarquin's overthrow and the trip to Delphi is especially striking.

[76] 1.45.1: 'aucta magnitudine urbis, formatis omnibus domi et ad belli et ad pacis usus, ne semper armis opes adquirerentur, consilio augere imperium conatus est, simul et aliquod addere urbi decus'.

quo totiens armis certatum fuerat' (1.45.3). The link between this and the story that immediately follows, which prophesies the future greatness of Rome, is thus apparent. Moreover, the story that comes directly after the sacrifice of the heifer is also important. It begins 'Servius ... iam usu haud dubie regnum possederat' (1.46.1); Servius' personal power is thus linked in with the power of Rome that has been the subject of the previous section. Livy then goes on to describe how, despite this, Tarquin criticises him for ruling 'iniussu populi', in response to which Servius distributes land to gain the people's favour, and then puts himself up for popular election, 'tantoque consensu quanto haud quisquam alius ante rex est declaratus' (1.46.1).

Servius' response to increased power is therefore increased democracy. This is part of a pattern throughout his reign; having taken power through a usurpation, he progressively increases the legitimacy of his rule. First he proves his military ability, and returns to Rome 'haud dubius rex, seu patrum seu plebis animos periclitaretur' (1.42.3). Then he shows himself worthy of his predecessors domestically (1.42.4):

> ut quemadmodum Numa divini auctor iuris fuisset, ita Servium conditorem omnis in civitate discriminis ordinumque quibus inter gradus dignitatis fortunaeque aliquid interlucet posteri fama ferrent.

Then we have the sequence of events around the founding of the temple of Diana discussed above, which completely legitimise his rule and consolidate his power — though this is immediately attacked by Tarquin's undermining of his position in the Senate (1.46.2, 1.47.7-12). Finally, we are given the potential (though aborted) crowning point of Servius' democratic legitimisation of his power in Livy's epitaph on him at 1.48.9, where he says that he had planned to abdicate, as he disapproved of rule by one man. The prophecy of Rome's greatness is thus central to Servius' reign, both bringing out his virtues and, as a result, showing Tarquin in that much worse a light for overthrowing him.

If we turn with this in mind to look at the story of the rebuilding of the Capitol, we can see certain parallels. Like Servius, Tarquin begins his building programme at a time when he has recently consolidated his power — in his case by his capture of Gabii and his peace treaty with the Aequii and the Etruscans (1.55.1); as with Servius, therefore, the prophecy is thus associated with his own power. This link is brought out above all by the passage that immediately follows, where it is said 'augebatur ad impensas regis animus' (1.55.7) — the implication is that it is the prophecies that have brought this about. As with Servius, moreover, it is in his relationship with the people that the results of his increased power can be seen; but instead of increasing democracy, he uses their labour, not only on the temple itself,

which they do not object to, but on his other building projects, which they do (1.56.1-2); it is also significant that it is directly after this that the omens appear that herald the end of Tarquin's rule. The contrast with Servius that is brought out by these parallel passages is thus plain: Servius is a democrat,[77] Tarquin is a tyrant.

Conclusion

It will thus be seen that religion is not only widespread in Book 1, but plays an important structural role. In the first half, it is the central feature used to characterise Numa, and hence becomes vital in setting up contrasts between Numa and Romulus, and then between Romulus and Numa and Tullus and Ancus. With the Tarquins it is less central, but even so is used in a number of crucial passages to set up patterns and parallels between the different kings and the various transfers of power.

On the other hand, it is hard to see any real consistency in the use of religion as a theme. Characters who are characterised as irreligious at one time, like Tullus or Superbus, may at another time display piety, with no hint of any contradiction. The idea of divine punishment for impiety, which is so important for understanding the treatment of religion in the later books, is present only intermittently. The idea of divine support for Rome is present at the end, and, though partly rationalised away, at the beginning, but with Numa it disappears entirely, despite the fact that he is presented as an admirable figure; it is more important for Livy there to present him as someone who uses religion effectively for political purposes. Nor can one find many links between the use of religion in the first part of the book, where it centres on Numa's peaceful reforms, and the second, where it is involved with the changing political situation. That Livy is interested in religion here is plain, but he has not attempted to bind it across the book as a theme in its own right; depending on the circumstances, it plays widely differing roles.

2. Book 2

By comparison with Book 1, the role of religion in Books 2-4 is substantially reduced. In Book 1 it was at least used over broad sections of the

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[77] Cf. also 1.60.4, where the first consuls of the new republic are elected 'ex commentariis Servi Tulli'.

book to reinforce the structure and to set up parallels and contrasts, whereas in the next three books it does not even do as much as that. Instead, it tends to be subordinated to individual episodes, and to be treated according to the needs of a particular section, without being related to the way in which comparable material is treated in other sections: Livy does not create from it an overarching theme in its own right.

Let us begin by examining the general structure of Book 2. Burck sees it as broadly divided into four sections:[78] 2.1-21, covering the establishment of the Republic, and closing with the death of Tarquin; 2.22.1-33.5, dealing with the first conflicts between the patricians and the plebeians, up to the establishment of the tribunate; 2.33.6-40.14, the Coriolanus episode; and 2.41-65, the counterpart of the first, but less of a unit — it combines the themes of the struggles of the patricians and plebeians over land reform and the external battles against the Veiians and Volscians.[79] Moreover, the class conflict dominates the book even beyond the sections in which it is playing an obvious role. It lies at the root of the Coriolanus story, and, even more significantly, is connected by the opening of the book with the *libertas* that is central to its first part: there Livy refers to the idea (an idea, it should be added, that was absent from Book 1) that the Romans were not ready for liberty before the time of Tarquin (2.1.1-6), because the people would have engaged in class struggle unrestrained by patriotism.[80]

The first religious episode in the book is at 2.2.1-2, with the institution of the *rex sacrificulus*, or the *rex sacrorum*, as he was more usually known,[81] to take over the religious duties of the recently-deposed king. Here a comparison with Dionysius allows us to observe Livy's particular preoccupations shaping the narrative. Dionysius 5.1.4 explains that the office was created in order to provide continuity with the past, since the kings were widely respected as benefactors of the commonwealth. For Livy, on the other hand, the rationale is quite different (2.2.1): 'et quia quaedam publica sacra per ipsos reges factitata erant, necubi regum desiderium esset, regem sacrificulum creant'. The reason that Livy uses the version that he does

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[78] Burck (1934), 51-2.

[79] See Burck (1934), 76-7, where he discusses the rather more complex structure of this section.

[80] 2.1.4-5: 'quid enim futurum fuit, si ... soluta regio metu agitari coepta esset tribuniciis procellis, et in aliena urbe cum patribus serere certamina, priusquam pignera coniugum ac liberorum caritasque ipsius soli, cui longo tempore adsuescitur, animos eorum consociasset?'. Compare also other expressions of an undercurrent of class conflict in the first part of the book: for example, the resignation of Collatinus being prompted by plebeian suspicion (2.2.4), the Senate's apprehensions that the plebeians might be scared into betraying the city to the Tarquins (2.9.5), or the creation of the dictatorship, as a result of which 'magnus plebem metus incessit' (2.18.8).

[81] See Ogilvie (1965), 238 for a discussion of these names.

might be thought to be that he is not prepared, unlike Dionysius, to speak of the kings as benefactors; however, at 2.1.1-6, as has been said, he shows the monarchy as something appropriate for the state at the time, even if it later became undesirable. It might be that he wishes to give a more specifically religious dimension to the story, letting us see the leaders of the early Republic as properly pious. This, however, needs some qualification: Livy, unlike Dionysius 5.1.3, does not refer directly before this to the purification of the city by the new consuls; nor, when telling of the oath taken by the people never to allow kings to rule in the city (2.1.9), does he mention the consuls taking the oath at a sacrifice. This suggests that showing Roman piety is unlikely to be a major aim of his narrative here.

Rather the main point of the story for Livy lies in what follows: at 2.2.2 he says that the *rex sacrorum* was made subordinate to the *pontifex* 'ne additus nomini honos aliquid libertati ... officeret', and follows this immediately with a discussion of the enforced resignation of Collatinus, which he regards as an measure excessive for guarding liberty.[82] In this context, the care taken over the *rex sacrorum* also has the sense of going beyond what is necessary in removing all vestiges of kingship. This explains why he would not wish to portray the Roman leaders as showing even the slightest regard for the monarchy, and also the omission of other indications of their piety: the religious material serves above all to reinforce the sense of political extremism and the hints of factionalising.

The dedication of the field of the Tarquins to Mars (2.5.2) is substantially the same account, though briefer, as that which appears in Dionysius 5.13.2-3 and Plutarch, *Publicola* 8. The one important difference is in its position. Dionysius and Plutarch both place it after the story of the attempted conspiracy to restore the Tarquins has reached its climax with the executions of the sons of Brutus. In Livy, on the other hand, it occurs in the middle of the story, separating the conspiracy itself from the punishment of the conspirators. This provides a more direct contrast between the piety of the Roman leaders and the treachery of the conspirators by juxtaposing the two more closely.[83] It is difficult, however, to see any relationship between this episode and that of the *rex sacrorum* discussed at the beginning, where, as has been argued, the main focus is if anything against

[82] 2.2.2: 'nescio an nimis undique [libertatem] minimisque rebus muniendo modum excesserint'. In Dionysius this episode does not appear until 5.10-12, where it is in any case a response to the aristocratic conspiracy, not a spontaneous measure in defence of liberty. See C. Schultze, *Dionysius as a Historian: an investigation of his aims and methods in the Antiquitates Romanae* (unpublished dissertation, Oxford, 1980), 145-7.

[83] Observe the description of them only a few lines later: 'illos ... *quidquid deorum hominumque Romanorum esset*, induxisse in animum ut ... proderent' (2.5.7). This remark has no parallel in either Dionysius or Plutarch.

the idea of Roman piety. Already at the start of the book, we can see that Livy's treatment of religion in one story is often isolated from his treatment of it elsewhere.

The relocation of this episode, however, also brings it closer to the first supernatural event of the book: the mysterious voice that was heard during the night in the Arsian wood after an inconclusive battle, which informed the participants that the Etruscans had lost one more man than the Romans, and so were to be deemed to have been defeated (2.7.2). This story appears also in Dionysius 5.16.2-3, Valerius Maximus 1.8.5, and Plutarch, *Publicola* 9.6-8; Valerius is more interested in the miracle itself than in the story of the battle as a whole, and so adds the detail that the bodies were subsequently counted, the result agreeing with what the voice had said, and this version is repeated by Plutarch.

More importantly, Livy differs from all these accounts in the emphasis given to the miraculous element. Plutarch and Dionysius both tell substantially the same story as he does, but for them it is a major element in the battle, turning an inconclusive result into a decisive victory for the Romans. Livy, on the other hand, presents it almost as an afterthought. After describing how, in the battle, the Romans defeated the Veians, but were in turn worsted by the Etruscan army of Tarquin, he continues (2.7.1-3):

> ita cum pugnatum esset, tantus terror Tarquinium atque Etruscos incessit ut omissa inrita re nocte ambo exercitus, Veiens Tarquiniensisque, suas quisque abirent domos. adiciunt miracula huic pugnae &c. ... ita certe inde abiere, Romani ut victores, Etrusci pro victis.

The Etruscan withdrawal is presented as a fact; the miracle is only an alleged explanation of it. The important thing in the battle for Livy is the human factor, the threat to Rome and the courage of Brutus,[84] and he gives an account which strongly implies that the strange terror and flight of the enemy is to be explained in human terms.[85]

Nevertheless, Livy does retain the episode, which indicates that the supernatural explanation is still one that he is offering for the sequence of events. While the structure of the story, as was said, suggests that he

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[84] Ogilvie (1965), 248.

[85] Burck (1934), 54 points out that Livy, unlike Dionysius 5.16.1-2 (cf. also Plutarch, *Publicola* 9.5), does not say that the Romans were disheartened after the battle; once again he minimises the supernatural element in determining the Roman victory.

implies a rational explanation, the fact remains that he does not give one.[86] Even as it is presented here, the supernatural plays an irreplaceable role in the story, attributing the survival of a free Rome to the aid of the gods.[87] By placing the supernatural explanation within an essentially rational framework, he shows both the human and the divine playing their part in the battle; and the juxtaposition with the Romans' piety just above perhaps indicates why they should be so favoured.

Between the Veiian war and the attack of Lars Porsenna is found the dedication of the Temple of Jupiter Capitolinus by M. Horatius Pulvilla, and the story of how the Valerii, jealous of the honour, attempted to frustrate him by announcing his son's death in the middle of the ceremony; yet Horatius carried on regardless. This was a famous story, which was used as a religious precedent,[88] and which seems to have become a standard *exemplum* for public fortitude in the face of private distress.[89] Thus Valerius Maximus and Seneca, whose main purpose is rhetorical, treat the announcement as real, as this enables them to stress Horatius' strength of mind when faced with the loss of his son; on the other hand, those who are interested in the precedent or in the political struggle are more inclined to treat it as false. Cicero, *Dom.* 139, for example, speaks of 'fictis religionibus', while Plutarch says unequivocally 'ἦν δὲ τὸ προσηγγελμένον οὐκ ἀληθές' (*Publicola* 14.8). Livy tells the story without committing himself one way or the other, but in other respects his version differs little from the standard one. The main difference is in the method by which Horatius was chosen over Valerius for the honour. Plutarch has him elected in a rather underhand fashion, during the absence of Valerius from the city, and such a popular vote would have been the usual method.[90] Livy, on the other hand, has him selected by lot, thus removing all hints of subterfuge; this is presented by Plutarch only as an alternative version (*Publicola* 14.5). When this is combined with the lack of any indication that the Valerii were lying, we can see Livy carefully avoiding having to accuse either side of outright

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[86] E. Lefèvre, "Argumentation und Struktur der moralischen Geschichtsschreibung der Römer am Beispiel von Livius' Darstellung des Beginns des römischen Freistaats (2.1-2.15)", in *Livius, Werk und Rezeption, Festschrift für E. Burck*, ed. E. Lefèvre and E. Olshausen (Munich, 1983), 41.

[87] Burck (1934), 54.

[88] Cicero, *Dom.* 139.

[89] It appears as such in Valerius Maximus 5.10.1 and Seneca, *Cons. ad Marciam* 13.1-2, in both of which it is followed by the story of Aemilius Paullus, which suggests that the conjunction of these two similar stories was standard rhetorical practice.

[90] Ogilvie (1965), 254. Ogilvie mistakenly attributes the suggestion of subterfuge by the partisans of Horatius to Dionysius, who has him elected (5.35.3), but who does not tell anything else of the story, and who, unlike Plutarch, gives no hint of any impropriety.

deceit,[91] which may be due to an idea that the first heroes of the Republic would not have behaved in so un-Roman a way.

These indications of Roman morality may again be connected with their success in war, with the invasion of Porsenna shortly afterwards. However, there is no religious material in the Porsenna episode, with one exception: the famous defence by Horatius Cocles of the bridge. Livy's account has become the best-known source for the story, but we should not overlook the fact that in at least one respect his version is unparallelled: his is the only account where Horatius returns unharmed. Ogilvie attributes this to 'psychological' motives: Horatius 'deserves' an unalloyed reward.[92] This probably contains a certain truth, but there is more to it than that. Both at the beginning of the fight (2.10.3) and at the end (2.10.11), Horatius calls on the gods, and these appeals, likewise, have no parallels outside Livy, not even in the considerably more detailed account of Dionysius. This is no doubt partly due to Livy's showing Horatius as a conventionally pious Roman hero,[93] but the context of the second prayer is significant (2.10.11):

> tum Cocles 'Tiberine pater,' inquit, 'te sancte precor, haec arma et hunc militem propitio flumine accipias'. ita sic armatus in Tiberim desiluit *multisque superincidentibus telis* incolumis ad suos tranavit.

The character of Horatius' safe return through the rain of missiles is that of a miracle, and the implication can hardly be avoided that the river-god has answered his prayer and is protecting him. It is not merely that he is saved through his piety, but rather that his specific prayer is immediately answered. Hence the two unique features of Livy's narrative are intimately connected, providing a religious dimension to Rome's escape.

There is no further religious material for some ten chapters after this, which is due to the way that Livy has structured the book. The war with Porsenna ends in 2.15; there are then a few pages in a rather lower key, before the first part of the book reaches its climax with the battle of Lake Regillus in 2.19-20. The religious events that are given by Dionysius all fall into this intervening space; they include some fairly dramatic tales of omens, for example in 5.46.1-3 and 5.54.1-3, but ones that would be out of place, given that Livy is at this point including only bare outlines of the most essential events, and is avoiding all the more spectacular and dramatic

[91] Lefèvre (1983), 43.
[92] Ogilvie (1965), 258.
[93] Compare H. Tränkle, "Der Anfang des römischen Freistaats in der Darstellung des Livius", *Hermes* 93 (1965), 333, who argues that Livy's main aim in the Porsenna section is to illustrate Roman virtue.

details, so as to highlight what he regards as the most vital features. Dionysius 5.52-57 provides perhaps the most striking illustration of this. This part of his account covers the consulship of Servius Sulpicius and Manlius Tullius, including a revolt at Fidenae and a conspiracy at Rome, the latter only being exposed after a series of threatening dreams. Of this year Livy, by contrast, says only 'nihil dignum memoria factum' (2.19.1).

The more remarkable omission comes with Lake Regillus itself. One of the most famous traditional features of this battle was the story that the Dioscuri appeared to aid the Romans, and then subsequently announced the victory in the Roman Forum.[94] Of this theophany Livy has not a word, which is especially surprising in view of the 'epic' tone of the narrative at this point, with which a theophany would seem to be quite in keeping. The nearest that Livy comes to any hint of it is at 2.20.12, where he says in the course of the battle 'dictator ... aedem Castori vovisse'. This seems especially perverse, since Dionysius and Plutarch both make it clear that the vowing of the temple was as a direct result of the Dioscuri's appearance; yet Livy has the one and not the other.[95]

Why this anomaly? One answer might be to refer it to scepticism, but this is clearly inadequate: scepticism does not prevent him narrating other similar events. However, this battle is clearly regarded as the major turning point in Rome's fortunes at this time: her *libertas* is established for once and for all against the threat of the Tarquins, and, by removing all suggestion of the divine, the victory can be seen in purely human terms as the unaided victory of the Roman people. This is a further example of what we have already seen several times: however much Livy may make use of supernatural themes on other occasions, when it comes to the very greatest engagements, the battles which decide the outcome of wars, such as Cannae, Cynoscephalae, Pydna, and to a lesser extent Zama, he makes it clear that we are to see nothing (at any rate in the immediate context) beyond the human victory (above, 47-9). His one concession is the vowing of the temple, which does not by itself carry any particular supernatural implications, but illustrates Postumius' piety.

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[94] E.g. Cicero, *N.D.* 2.6, 3.11; Dionysius 6.13.1-3; Valerius Maximus 1.8.1; also Plutarch, *Coriolanus* 3.5, where it is brought in anachronistically to dignify Coriolanus' first campaign (D.A. Russell, "Plutarch's Life of Coriolanus", *JRS* 53 (1963), 24).

[95] Indeed, Dionysius seems to be attempting to increase the amount of religion in the story: he, like Livy, has Postumius make vows in the battle (6.10.1), but vows to other gods, which he fulfils at 6.17.2-4; the theophany and the building of the temple to the Dioscori are then treated separately.

The next section of the book, containing the first secession of the plebs, opens with 2.22.[96] Here there are several short religious notices: the dedication of the temple of Saturn and the institution of the Saturnalia at 2.21.2, the dedication of the temple of Mercury at 2.21.7, and the gift of a gold crown sent by the Latins to the temple of Jupiter at 2.22.6. Of these the second is slightly odd, for at 2.27.5-6 there is a longer notice concerning the dedication of the same temple: there was a dispute between the consuls as to which of them was to perform it, and the people, when the matter was referred to them, repaid the consuls' earlier harshness by awarding it to neither.[97] The two passages refer to the same year,[98] and so undoubtedly are describing the same event. The duplication is presumably the result of carelessness on Livy's part, but the different treatments of the story fit well with his narrative here. He begins the section by showing Rome at the end of the struggle for its independence, but before it is reft by internal strife, and he presents it as apparently pious. But afterwards, when the internal divisions in the state have begun to take hold, religious procedures are treated in the same factional manner. Religion, however, also aids in the reconciliation: it is a significant, though minor point, that it is said in 2.32.3 to be *religio* which holds the citizens back from the murder of the consuls;[99] moreover, in Livy, as in most other versions, the seceding citizens retreat to the Mons Sacer (2.32.2), while the law that is passed to conclude the episode is referred to as the *lex sacrata*, guaranteeing the inviolability of the tribunes (2.33.3). Just as the height of the dispute saw religion used for political ends, its resolution is made possible through a return of accepted religious values.

In the centre of the Coriolanus episode religion comes in with the famous story of the dream of Latinius, which is introduced to explain the *instauratio* of the games, which provides the opportunity for the Volscian leader Attius Tullius to engineer a quarrel between his nation and Rome. The story is known from a large number of sources,[100] and the details are fairly constant. The only respect in which Livy differs in his account of the main part of the story is that he compresses the number of reappearances of the

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[96] On Livy's construction and treatment of this episode see W. Krüger, *Ein Beitrag zur Darstellungkunst des T. Livius (II,21.5-II,33)* (dissertation, Jena, 1938).

[97] The story also appears in Valerius Maximus 9.3.6.

[98] A point missed by Ogilvie (1965), 303, who speaks of the 'divergence' between the two accounts as showing that there was no documentary evidence for the date of the temple's foundation.

[99] Plutarch, *Coriolanus* 6.1 says only 'πράττοντες μὲν οὐδὲν βίαιον οὐδὲ στασιαστικόν, ἐκπεπτωκέναι δὲ τῆς πόλεως ὑπὸ τῶν πλουσίων πάλαι βοῶντες'; Dionysius makes no comparable comment on the restraint of the secession.

[100] E.g. Cicero, *Div.* 1.55; Dionysius 7.68-9; Plutarch, *Coriolanus* 24; Valerius Maximus 1.7.4; Augustine, *De Civ. D.* 4.26; Macrobius, *Sat.* 1.11.3-4.

dream image, no doubt so as to tighten up the story — Cicero, Dionysius and Plutarch each have a total of three appearances to Livy's two.

More interesting is the motivation behind the introduction of the story at this point. In Dionysius' account there is no connection between the games repeated as a result of the dream of Latinius and the religious festival at which the Volscians are to be present and from which they are expelled, thus causing the war[101] — he places the latter not merely in a different book (8.2-4), but in a different consular year, with the new consuls taking up office at 8.1.1.[102] Moreover Plutarch, the only other source for the story to be placing it in context within a continuous narrative, agrees with Dionysius in providing a motive for the introduction of the Latinius episode of which there is no trace in Livy. Both Plutarch and Dionysius speak of a spate of prodigies after the expulsion of Coriolanus, which were interpreted as the gods' warning to the Romans that they had done wrong in banishing him; one of these prodigies was the events surrounding Latinius' dream. In Livy there is no mention of other prodigies, and the dream is adequately explained by Jupiter's anger at the beating of the slave.

What is the reason for this? The omission of anything that could be interpreted as a bad omen following the expulsion of Coriolanus is easier to explain: it is due to Livy's unsympathetic presentation of Coriolanus' case.[103] Coriolanus is vividly characterised, with his harsh and dismissive attitude towards the plebs and his relentless *ira* after his condemnation and exile, but there is not a word in Livy that this sort of behaviour, though it gives Coriolanus an impressive heroic quality, is at all admirable, and he makes it clear that it was the chief cause of his condemnation[104] — contrast Dionysius, who treats the condemnation, at any rate, as that of a great hero wronged by lesser men.[105] Therefore Livy's treatment of the

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[101] Burck (1934), 73; this is overlooked by J. Gagé, "Infirmes, blessés de guerre et marques corporelles dans l'ancienne Rome", *REL* 47 (1969), 184-208, who draws various conclusions from the 'fact' of this connection.

[102] It may be significant that this year, along with the one before, is one of the few occasions where Livy omits the list of the consuls altogether, though this is alsono doubt due to his desire to treat the story of Coriolanus as a single unit (Burck (1934), 70; Ogilvie (1965), 314).

[103] *Contra* A.D. Lehman, "The Coriolanus Story in Antiquity", *CJ* 47 (1951-2), 330-1, who links Livy with Dionysius as writers sympathetic to Coriolanus. Lehman's main purpose, it is true, is to contrast them with writers who treat Coriolanus uncompromisingly as a traitor; none the less, his polarisation ignores the negative side of Livy's presentation.

[104] E.g. 2.35.1: 'et senatui nimis atrox visa sententia est et plebem ira prope armavit'; 2.35.6: 'ipse cum die dicta non adesset, perseveratum in ira est'.

[105] See, for example, 7.62.3-4: 'ὅσον μὲν ἦν τοῦ δημοτικοῦ μέρους ἐπιεικὲς καὶ φιλόχρηστον ἀπολύειν ἐβόα τὸν ἄνδρα ... ὅσοι δ' ἦσαν φύσει βάσκανοι ... ἤχθοντο'; also 7.67.2: 'Μάρκιος ... οὔτ' ἄλλο εἰπὼν ἢ δράσας ἀνάξιον τῆς ἑαυτοῦ μεγαλοφροσύνης οὐδ' ὁτιοῦν'. On Dionysius' treatment of Coriolanus see Schultze (1980), 216-26. Plutarch is actually far more forthright even than Livy in condemning Coriolanus: in the comparison

rights and wrongs of the story meant that he would not have wished the Latinius story to be seen as indicating divine displeasure at Coriolanus' expulsion, nor would he desire other prodigies to the same effect. He excludes the latter, but ties in Latinius in another way. This had the additional advantage of tightening up the story by reducing the number of elements: the Latinius *instauratio* and the occasion of the Volscian grudge against Rome become one.

If this was all that there was to it, it would be hard to explain the length of the account in Livy — it seems rather too long simply to be giving the background to the existence of a particular set of games. A further reason, however, may be seen in the view that it gives us of the religious behaviour of the characters. In performing the *instauratio*, and performing it as 'ludi quam amplissimi' (2.37.1), the Romans show themselves as being especially punctilious in their duties towards the gods. By his employing it as a pretext for war, Coriolanus' lack of *pietas* is shown up, a lack that is even more dramatically emphasised by his warring on his country and by his rejection of those who should have moved him, such as the envoys of the senate and even the priests in their ritual garments (2.39.12) — a further introduction of the religious motif.[106] All this serves to increase the power of the final reverse, where Coriolanus is at last brought back to a sense of *pietas* by the women of his family.[107] This, however, is a quite different use of religion from that in the Latinius story itself: there one had the association of impiety with the anger of the gods, yet with Coriolanus we are faced with the paradoxical situation that his impiety is connected with his success, and he only ceases to win when he becomes pious. The inconsistency in Livy's treatment of religion here is striking.

The conclusion to the Coriolanus story as given by Dionysius and Plutarch also contains a large amount of religious material: both have the decision by the women to make their own appeal to Coriolanus as being the result of

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with Alcibiades he blames his arrogance, ambition and harshness. Nevertheless, when it comes to the specific question of the fairness of his treatment by the people, his account makes it quite clear that he considers that he was unjustly dealt with — see *Coriolanus* 20.3-7, where the charges against him are altered without notice, and where the fact that he is tried by the equal votes of the tribes, not the centuries (which were weighted in favour of the wealthy) is said to make (20.3): 'τῶν εὐπόρων καὶ γνωρίμων καὶ στρατευομένων τὸν ἄπορον καὶ πολυπράγμονα καὶ τοῦ καλοῦ φροντίζοντα μηδὲν ὄχλον ἐπίπροσθεν ταῖς ψήφοις ποιοῦντες'. On Plutarch's tendency in the story to favour the patrician side see Russell (1963), 26-7.

[106] This was a traditional feature of the story, as appears from longer accounts in Dionysius 8.38.1-2 and Plutarch, *Coriolanus* 32.1-2.

[107] On this episode, and in particular on the way in which Livy uses it to highlight the idea of Roman patriotism, see M. Bonjour, "Les personnages féminins et la terre natale dans l'épisode de Coriolan (Liv, 2.40)", *REL* 53 (1975), 157-81.

divine inspiration,[108] following visits to the temple of Jupiter Capitolinus.[109] Then, after the success of the appeal, the senate resolve to grant the women honours; the women's only request is for permission to found a temple of Woman's Fortune on the spot where the appeal took place. The senate decrees that this should be done at public expense, with annual rites at which women should officiate. The women provide at their own expense an additional image of the goddess, which, as it is set up, utters the words 'rite me, matronae, dedistis riteque dedicastis'.[110]

Of all this, Livy says only (2.40.11-12):

> non inviderunt laude sua mulieribus viri Romani — adeo sine obtrectatione gloriae alienae vivebatur. monumento quoque quod esset, templum Fortunae muliebri aedificatum dedicatumque est.

The absence of the details found in Dionysius is particularly surprising in that they would seem quite appropriate to Livy's treatment — as we have seen, in the Coriolanus story Livy has sought to show the Romans' piety and Coriolanus' impiety, and the story has reached its resolution with the latter giving way to the former. Possibly Livy does not want to put too much emphasis on Roman piety and divine support, given that the class struggle which is central to his treatment of Coriolanus re-emerges immediately after this with the story of Spurius Cassius. However, Cassius' reforms are at least during his lifetime opposed by the whole body of the people;[111] moreover, even after the plebeians have taken up his ideas after his death, Livy is still prepared to show the Romans as pious, with the dedication of the temple of Castor (2.42.5). More likely is that it is due to the structure of the narrative: Livy brushes off the final few details, including the withdrawal and death of Coriolanus, as quickly as possible, so as to leave the reader's attention focussed on the emotional climax of the story, and to heighten the contrast between Coriolanus and Cassius. The detail of the account of the building of the temple gets caught up in the general abbreviation of the story at this point. Here too Livy fails to create a substantial religious theme in the book; the religious ideas that were relatively prominent in the Coriolanus story are removed as it ends.

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[108] Dionysius 8.39.2: 'θείῳ τινὶ παραστήματι κινηθεῖσα'; Plutarch, *Coriolanus* 33.3: 'κατ' ἐπίνοιαν οὐκ ἀθείαστον'.

[109] Dionysius 8.39.1; Plutarch, *Coriolanus* 33.1.

[110] Dionysius 8.55-6; Plutarch, *Coriolanus* 37-8. The Latin is taken from Valerius Maximus 1.8.4: Dionysius gives an approximate translation.

[111] For patrician opposition see 2.41.2; for plebeian opposition see 2.41.4, 2.41.7, 2.41.9.

The next part of the book begins with the conflicts between the plebeians and the patricians renewed, the theme this time being that of agrarian reform. The first set of episodes, which culminates with the mutiny of the troops of K. Fabius at 2.43.5-11,[112] contains one event of especial religious interest — the prodigies at 2.42.9-11, with the subsequent execution of the Vestal Virgin Oppia:

> bellum inde Veiens initum, et Volsci rebellarunt; sed ad bella externa prope supererant vires, abutebanturque iis inter semet ipsos certando. accessere ad aegras iam omnium mentes prodigia caelestia, prope cottidianas in urbe agrisque ostentantia minas; motique ita numinis causam nullam aliam vates canebant publice privatimque nunc extis, nunc per aves consulti, quam haud rite sacra fieri; qui terrores *tamen* eo evasere ut Oppia virgo Vestalis damnata incesti poenas dederit.

The corresponding passage in Dionysius is 8.89.3-5, which, while broadly the same, nevertheless differs from Livy in a number of its implications. In Livy the context of the prodigies is quite clearly the internal strife at Rome hindering her military success. For Dionysius, on the other hand, this theme, while present, is considerably less marked — at 8.89.3 it is alleged that the soldiers, out of pique, refused to fight at their best, but Dionysius' actual account of the battle in question does not support that interpretation. Moreover, Dionysius makes it clear that he regards the Vestal's unchastity as being the correct explanation of the 'improper performance of rites' referred to by the soothsayers — he concludes his account of her execution with the words 'καὶ μετὰ τοῦτο καλὰ τὰ ἱερὰ καὶ τὰ μαντεύματα ὡς ἀφεικότων αὐτοῖς τῶν θεῶν τὸν χόλον, ἐγίνετο' (8.89.5). Livy, by contrast, by using the word 'tamen' implies that the execution of Oppia was due simply to the 'terrores', and that her alleged[113] unchastity had nothing to do with the prodigies. He certainly does not suggest that they miraculously ceased with her punishment. Thus in Livy the prodigies reflect the continuing discord at Rome twice over: once when they appear in the context of civil strife harming the city's fighting capacity, and a second time when the terror that they cause leads the people into a misjudgement and potential injustice.[114]

The first major climax of this section is the threatened mutiny and eventual victory at 2.45-7 of the troops of M. Fabius and Cn. Manlius. Here

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[112] Burck (1934), 77-9.

[113] I use the word advisedly — Livy says nothing about her guilt or innocence.

[114] Compare the treatment of the Vestal trial here with that of the similar events in 216 after Cannae: there too Livy implies that the terror at the prodigies after the defeat led the Romans into over-hasty action (22.57.2-6). See above, 49-50.

the vital turning point in the battle, as related by Livy, is a religious motif: the troops beg the consuls to be allowed to fight the Etruscans, but Fabius, mindful of their former mutinous behaviour, will not allow them to do so until they swear not to return to Rome unless victorious. The oath is then taken by a centurion called M. Flavoleius, followed by the rest of the army (2.45.13-14). The story also appears in Dionysius 9.10.4, where, however, it is less significant. There Fabius first delivers a lengthy exhortatory speech, and it is only after the end of this that Flavoleius comes out with his oath — and he does so spontaneously, rather than under the consul's orders. Consequently, for Dionysius the oath is only the sign of the consul's success at exhortation, whereas for Livy it is a necessity if the battle is to take place at all. The vow not to return unless victorious also has greater meaning for Livy — it is a sacrifice that the soldiers are compelled to make for the sake of taking part in the battle, rather than an optional addition. It is thus not surprising that Livy, unlike Dionysius, alludes to the oath later, when Fabius at 2.46.5 reminds the soldiers of it in order to rally them after his brother's death — it is important for him to stress that it is vital in turning the battle in the Romans' direction.

Though Livy here places far more stress than Dionysius on the soldiers' piety, he conversely plays down the role of the supernatural, omitting the entire sequence of events found at Dionysius 9.6, where the consul Manlius' tent is struck by lightning; advised by his augurs that this means that his camp will be captured, he moves his army over to the camp of Fabius. The Etruscan haruspices, however, inform their army that by Manlius' action the new camp and the leaders there would instead meet with the prophesied destruction; this is fulfilled with the death of Manlius and the capture of his camp at 9.12.1-2 - though, contrary to what the haruspices implied, this is the prelude to a Roman victory, not defeat. In Livy the death of Manlius occurs at 2.47.4-8, but with absolutely no hint of the fulfilment of any prophecy. Just as with Lake Regillus (above, 153), he is removing all mention of the supernatural, but presumably for a different reason; for this battle is hardly a major turning-point in the whole history of Rome. Rather he is avoiding the implication of Roman wrongdoing that might follow the use of prodigies here; as we have seen, he is highlighting instead the piety of the Romans, and this would clash with the idea that they were not genuinely favoured by the gods.

An interesting contrast to this is the next event to be considered: the destruction of the entire Fabius clan at the battle of the Cremera. The Fabii leave the city at 2.49.7-8:

> praetereuntibus Capitolium arcemque et alia templa, quidquid deorum oculis, quidquid animo occurrit, precantur ut illud agmen faustum atque felix mittant,

> sospites brevi in patriam ad parentes restituant. in cassum missae preces. infelici via, dextro iano portae Carmentalis, profecti ad Cremeram flumen perveniunt.

Their prayer when leaving the city is played up in Livy by comparison with Dionysius;[115] even more interesting is that this piety is juxtaposed with the idea that they marched out through 'infelici via', which has no parallel in Dionysius. This is clearly a bad omen at their departure, and reinforces the idea that their prayers were 'in cassum'. This is striking: Livy is stressing the Fabii's piety, and nowhere else in Livy is explicit piety not met with success, except where there are also elements of impiety present, which lead more directly to the disaster. Moreover, there is nowhere else in the work where piety is instantly undercut by a bad omen, except again where impiety is present. Yet there is no impiety here — indeed, civil strife, which can be treated as impious (above, 7-8), is absent from this part of the book. It is clear from Dionysius that neither the piety nor the omen were essential to the story, and there is nothing in the religious material in the surrounding sections to suggest that Livy is somehow attempting to relate this episode to them. The answer must be that he is seeking to emphasise the tragic blindness of the Fabii, by pointing dramatically to the contrast between the high hopes with which they departed and the destruction to which they were going. The fact that he can use such a motif here, however, despite the fact that it is totally inconsistent with the rest of the religious material in the book, demonstrates yet again his lack of interest in having an overarching religious theme in this part of the work.

The remainder of the book consists of the continued alternation of the themes of internal strife and external warfare, the former reaching a climax with the conflict by and on behalf of Genucius, Volero and Laetorius in 2.54-7. Within this section religion has comparatively little role to play in either Livy or Dionysius. One interesting point that arises, however, is their different attitudes to the death of Genucius on the eve of the trial of the ex-consuls Manlius and Furius, whom he had summoned to court. Dionysius treats the death as chance, and says of it 'δαιμόνιόν τι κωλύσεως συγκύρημα ἔδοξεν εἶναι' (9.38.2). Livy, on the other hand, holds that Genucius was murdered by the patricians.[116] There is not even a hint of divine intervention, but instead there is a reference to the impiety of the attack: 'nihil auxilii *sacratae* leges haberent' (2.54.9), and in Livy, though not in Dionysius, the idea is followed up by a comparable reference to the

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[115] Dionysius 9.15.3 says only 'ἐξῄεσαν ἀναλαβόντες τὰ ὅπλα σὺν εὐχαῖς καὶ θυσίαις'.

[116] 2.54.7: 'atrocissima quaeque maxime placebat sententia, nec auctor quamvis audaci facinori deerat'.

plebeians' impiety during their mutiny over Volero — 'nihil cuique sanctum' (2.55.8). Both parts of the state, as they fall to civil strife, lose sight of religious values.

The abandoning of divine intervention by Livy may also be seen in his omission of the events which Dionysius recounts for the year briefly narrated by Livy at 2.56.1-5. Here Dionysius speaks of a plague (9.40) attacking women, which did not cease until a Vestal called Urbinia was convicted of unchastity and executed. A second plague, which in Dionysius appears to be unrelated, is recounted by him at 9.42.1-2. The reason for the omission may well be because Livy does not want to duplicate the Vestal trial from earlier in the book (above, 158) — after all, the greater length of Dionysius' narrative means that for him an entire book separates the two sequences of events, whereas for Livy it is less than fifteen chapters; nevertheless, it might seem that his object is also to play down the supernatural, especially since the plague fails to rate even a mention. This, however, must be qualified, as one episode at the end of the book shows him introducing the supernatural into the narrative: at 2.62.1-2 he has a story of the then consul Valerius' attempt to attack the Aequians being foiled by a miraculous storm, a story that also appears in Dionysius (9.55.2). Once again, Livy's version is closely enough juxtaposed to the civil strife[117] to make it seem likely that it is this that is causing the divine wrath, and thus preventing the Roman success in war. This suggests that it is consideration of space that led him to omit the plagues from Dionysius, as it is clear that the supernatural would fit well into this line of narrative — his version of the year in question, brief as it is, is entirely concerned with similar internal strife. Moreover, it sees the arrival on the scene of Appius Claudius, whose trial and death provide the immediate context for the omen at the end of the book.[118] Once again, he omits religious material that would seem to cohere well with the rest of his account: further evidence for the lesser and more piecemeal role that religion is playing in this book.

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[117] E.g. 2.61.1 (the beginning of the year in question): 'turbulentior inde annus excepit ... cum propter certamina ordinum de lege agraria tum propter iudicium Ap. Claudi'; or the beginning of the following year (2.63.1): 'inter haec bella manente discordia domi &.'.

[118] On Livy's treatment of Claudius here see T.P. Wiseman, *Clio's Cosmetics: Three Studies in Greco-Roman Literature* (Leicester &c., 1979), 78-9; A. Vasaly, "Personality and Power: Livy's Depiction of the Appii Claudii in the First Pentad", *TAPhA* 117 (1987), 209-12.

3. Book 3

Book 3 revolves around the decemvirate. This occupies the whole of the central section of the book (3.33-54), and its themes dominate the remainder, with the first part (3.1-32) detailing the political divisions in the city and the class resentment that made the establishment of the decemvirate appear desirable, while the final section recounts the attempts to reestablish harmony in the aftermath of the decemvirs' crimes and deposition.[119] It might be expected that Livy would use the religious material in the book to reinforce this; in fact, as we shall see, he once again for the most part fails to use it in conjunction with the book's major, overarching ideas.

In the first section (3.1-8), internal dissension is referred to at the start, as if pointing to its prominence later (3.1.1-7);[120] but the remainder of the section centres on external affairs, and in particular on the wars with the Aequi and the Volsci. Here religion plays a substantial role. To begin with, at 3.2.4-5 the consul Fabius calls the gods to witness that the Aequi have broken the truce, accuses them of perjury, and promises divine vengeance in the event that the Aequi persist in war. Fabius' interpretation of events seems to be supported by the narrative; at 3.1.8 the Aequi were clearly the aggressors, and, directly after Fabius' complaints, his envoys are 'prope violati'. Livy shows the Romans as fully justified in religious terms, and hence they should be fighting with the gods on their side.[121]

A comparison with Dionysius supports this interpretation. He makes the situation rather more complex. He shifts the embassy into the previous year, with the Aequi not fighting a full-scale war for themselves, but aiding the Antiates in border incursions (9.60.1-3). Fabius' objections are not couched in religious terms; and the envoys are not mistreated — on the contrary, they are kept by the Aequi 'ξενισμοῦ ... χάριν' (9.60.5). Moreover, Dionysius describes how the Romans are unable to attack immediately 'εἴτε τοῦ δαιμονίου κωλύοντος εἴτε διὰ τὰς νόσους αἳ κατέσχον τὴν πληθὺν ἐπὶ πολὺ μέρος τοῦ ἔτους' (9.60.7). This is the plague that Livy mentions briefly at 3.2.1, but he has no mention of the gods, and moreover he keeps it, unlike the rest of the episode, in the same year as Dionysius: in other words, he dates it to the previous year, before Fabius' embassy. Hence Livy appears to have selected a version of events that both makes the Romans clearly and explicitly in the right, and removes any suggestion that the gods oppose their enterprise.

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119 Burck (1934), 8-9; Ogilvie (1965), 390.
120 Burck (1934), 10.
121 Burck (1934), 11; cf. Erb (1963), 63-4.

Accordingly, the Romans are successful, and by the end of the year they have defeated the Aequi in two major battles, and have ravaged their territory. Campaigns against them and the Volsci, however, continue through the next two years, and are marked by a sequence of prodigies. After a campaign that is relatively successful, there is a prodigy list (3.5.14). This is described at the end of the year; so too throughout the next year the Romans are afflicted by a plague (3.6.2-8.2), which ultimately kills both consuls and several other leading men, and prevents them from properly assisting their allies. The combination of these two episodes give the strong impression of divine anger at Rome. This is especially clear from a comparison with Dionysius, who does not include the prodigies; he puts in the plague, and indeed makes it even more lurid than does Livy (9.67.1-2); but he has no direct idea that it might be connected with the gods, unlike Livy, who has the Senate say that 'urbem Romam subita deum ira morbo populari' (3.6.5), and who has a specifically religious response on the part of the people (3.7.7-8). And Livy follows this directly with the words 'inde paulatim, seu pace deum impetrata seu graviore tempore anni iam circumacto, defuncta morbis salubriora esse incipere' (3.8.1), suggesting that the relief from the plague may have come as a result of the Romans' piety.

So far this gives a reasonably coherent account of the episode: the Romans lose divine support, but then regain it through their piety. However, at first sight it does not appear that Livy is attempting to link this into the themes of the book as a whole. The main issue in the book, as was said above, is the class strife centring on the decemvirate, but nothing of this is relevant to the religious material here. Indeed, there is nothing here to suggest why the gods are angry with the Romans at all: it is not they, but their enemies, who have acted wrongly. Moreover, the idea of divine anger seems to be partially undercut by the fact that Livy indicates that the gods are supporting Rome even while they are laying her low through plague: when the Volsci and Aequi advance on the city, he says (3.7.1): 'deserta omnia, sine capite, sine viribus, di praesides ac fortuna urbis tutata est, quae Volscis Aequisque praedonum potius mentem quam hostium dedit'. In Dionysius 9.68, by contrast, they fail to take Rome simply due to the quality of her defences.[122]

All of this would appear to suggest that the chief issue in Livy is not punishment for Roman wrongdoing, and hence that this episode is not meant to foreshadow or be linked to the internal conflict at Rome. Rather he would seem to be primarily interested in the dramatic effect of the prodigies and plague: he shows Rome brought to the brink of disaster, but then

[122] Cf. Burck (1934), 13.

preserved by a combination of her own good qualities, the enemies' bad ones, and the protection of heaven. However, this section cannot be understood without being seen in the context of the next, containing the tribune Terentillus' first proposals for a review of the laws, and the subsequent trial of K. Quinctius. After the tribune's initial proposal, Livy introduces a prodigy list (3.10.6-8) — the longest and fullest that he has yet had:

> eo anno caelum ardere visum, terra ingenti concussa motu est. bovem locutam, cui rei priore anno fides non fuerat, creditum. inter alia prodigia et carne pluit, quem imbrum ingens numerus avium intervolitando rapuisse fertur; quod intercidit, sparsum ita iacuisse per aliquot dies ut nihil odor mutaret. libri per duumviros sacrorum aditi; pericula a conventu alienigenarum praedicta, ne qui in loca summa urbis impetus caedesque inde fierent; inter cetera monitum ut seditionibus abstineretur. id factum ad impediendam legem tribuni criminabantur, ingensque aderat certamen. ecce, ut idem in singulos annos orbis volveretur, Hernici nuntiant Volscos et Aequos, etsi abscisae res sint, reficere exercitus.

This list is one of the most famous of all; it is reported by Dionysius at even greater length (10.2.2-6), and subsequently appears in Valerius Maximus 1.6.5 and Pliny, *H.N.* 2.147. Noteworthy in Livy's account is the way in which it is linked to both the external threat and the internal strife — indeed it actually becomes the occasion for such strife. Livy clearly foreshadows the future Roman problems, and ties it to their current behaviour.

True, this is paralleled in Dionysius;[123] but still more interesting is something that has no parallel there — the way in which Livy uses this list to refer back to the prodigies earlier in the book. The ox speaking is said by him to have occurred also in the previous year: we are presumably meant to see this as one of the unspecified prodigies at 3.5.14. These had, of course, not strictly come in the previous year; but they were at the very end of the year before that and, as I argued above, are to be linked to the events that follow them. Moreover, at the end of these prodigies Livy introduces a Volscian and Aequian invasion that is not in Dionysius, but which he explicitly refers to as a reprise of the year before; and at the end of the same episode he has the tribunes refer to the previous year's success (3.10.14): 'cavisse deos priore anno ut tuto libertas defendi posset'.

The overall effect of this is that the previous sequence of religious material, which of itself could not be seen as connected to the chief themes

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[123] Valerius, by contrast, relates it only to the external war, which is his main interest in that section.

of the book, is linked to them retrospectively, so that it and the later prodiges, with their overt connection, are ultimately seen as forming part of a single sequence. The gods' earlier anger with Rome, which was previously unexplained, is now connected with the class struggle, and the sense here of the dangers that threaten, with the social and political problems at Rome, is increased by being made the culmination of earlier events.

However, earlier, as was pointed out above, Livy shows divine support for Rome continuing even despite the prodigies. This may be because at that point the Romans have not in fact yet acted impiously — the wrongdoing only enters later, with the introduction of the theme of class strife; and under such circumstances, he is especially keen to stress the gods' essential support for Rome,[124] as well as to increase the dramatic effect. So too we may remember that the Romans' piety had regained for them divine favour before the new theme of class strife and its associated prodigies came into question. Both of these aspects do not sit fully consistently with the overall picture of cumulative prodigies linked to the class struggle. Nevertheless, we can still see the opening of Book 3 as representing an important step in the development of Livy's technique: for the first time, he presents two prodigy lists in quick succession, and he shows himself keen to link them together to create an overall religious theme.

In the account of Herdonius' occupation of the Capitol, Livy employs a good deal of religious language: the consul Valerius in his speech consistently and successfully appeals to the Romans' religious feelings (3.17.2-8), as do the senators (3.17.11). So too Mamilius appeals to 'sociales deos' (3.18.3) to justify Tusculan intervention. It is while attempting to retake the temple that Valerius is killed (3.18.8); by contrast, its defenders commit suicide, and so 'foedavere templum', after which the Romans formally cleanse it (3.18.10). The emphasis here is on piety leading the Romans to set aside their differences and fight for the Capitol.

In the aftermath, also, religion is of importance to Livy. Cincinnatus berates the people in religious terms for their sluggishness in defending the Capitol (3.19.7, 3.19.10); and when the tribunes seek to prevent him leading an army against the Volscians, he appeals to the military oath that the soldiers took. The tribunes claim that the fact that the oath was taken under Valerius excuses the soldiers from obedience, but the soldiers themselves do not consider this adequate (3.20.3-5): Livy comments (3.20.5):

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[124] This idea, as we saw above, also appears in the later episode in the mouths of the tribunes opposing the levy (3.10.14). But in the context of the new prodigies that have been explicitly linked to Roman wrongdoing, it undercuts the speakers. The Romans are not now entitled to assume that everything will automatically come out all right.

> nondum haec quae nunc tenet saeculum neglegentia deum venerat, nec interpretando sibi quisque ius iurandum et leges aptas faciebat, sed suos potius mores ad ea accommodabat.

What is the effect of all this? The first point to observe is that, as before, correct religious behaviour is identified with the different classes acting together in the interests of the state. So far it picks up the themes of the previous sections; however, in its detail it is somewhat different. Livy stresses, as he had not before, that both the senate and the people do indeed act piously (only the tribunes, one presumes, fail to), and, in particular, he emphasises the remarkable piety of the people's regarding their military oath as sacrosanct, and emphasises it not least by contrasting it with his own day.

Could this be because the underlying class conflict has ceased? Perhaps the introduction of Cincinnatus has set the Romans off on a virtuous footing. Scott argues that Cincinnatus is here to be seen as a figure of moderation and reconciliation, who rejects and overcomes the class struggle:[125] he points especially to the fact that he is described as 'non in plebe coercenda quam senatu castigando vehementior' (3.19.4), and that ultimately he concedes the tribunes' demand that the army is not led out, once he has ensured their submission to the Senate (3.21.1-2). On this view, Livy is showing the Romans freeing themselves from class strife, and their piety reflects this.

However, it is not clear that Cincinnatus is to be regarded as an uncomplicated supporter of harmony at Rome. Livy, unlike Dionysius 10.19, does not lay emphasis on his impartial justice towards all classes, and makes rather more of his severity.[126] Moreover, his language throughout the episode is violent and hostile, and especially towards the people. He is shown as holding up his son Caeso as an example of 'virtus' and 'constantia' (3.19.5) — but Livy, while seeing Caeso's condemnation as unjust, due to the perjury of Volscius (3.13.1-2; cf. 3.24.3-6), had presented him as 'ferox' (3.11.6), with an 'atrox ingenium' (3.11.9), and as a perpetrator of political violence (3.11.8). It may also be significant that Livy, unlike Dionysius, does not have the famous 'Cincinnatus called from the plough' story at this point, but leaves it for his first dictatorship (3.26.7-12), when the

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[125] P. Scott, *Qualities of Leadership in Livy's History* (unpublished dissertation, Oxford, 1986), 39-40.

[126] Schultze (1980), 229-33; as she points out, Dionysius is generally interested in law in this book, and treats Cincinnatus as the implicit antithesis to the unjust decemvirs.

political crisis is less fraught.[127] It would be less suitable to present Cincinnatus as an unqualified type of antique virtue at a time when he is personally in the thick of class conflict.

Moreover, the favourable religious material, as discussed above, occurs even before the introduction of Cincinnatus at 3.19. And the class conflict may be seen continuing through the episode in other ways. Valerius' promise to allow Terentillus' proposal to be discussed is flouted by the consuls, as the tribunes point out (3.19.1-2). And at the end of the year the tribunes secure re-election, despite the opposition of the senate (3.21.2-3); Cincinnatus refuses to emulate this illegality by accepting re-election as consul, and instead retires from office (3.21.3-8). The overall conclusion, therefore, must be that the religious material here is linked to the specific question of rescuing the Capitol from Herdonius, and less to the overall theme of class conflict.

This can be seen also from a comparison with Dionysius, who does not have Valerius' speech, or most of the other religious references, but he does, unlike Livy, explicitly link the class struggle of this year to the earlier prodigies (10.9.1). Moreover, when it comes to the purification of the Capitol, he shows the consul C. Claudius deliberately using it to hold up discussion of the tribunes' proposal (10.17.1). Livy's avoidance of this may be in order to preserve Claudius' character, so that he can act as a foil for Appius in the decemvirate,[128] but he is prepared to show Claudius engaged in 'contentiones' (3.19.1-2), and in any case does not tie the purification to Claudius himself (3.18.10). Had Livy introduced this material, he could have linked his treatment of religion here more closely to that at the start of the book; instead, as before, we can see some continuity in his use of religion, but also indications that he is more interested in the immediate effect than in creating an overall religious theme.

Likewise, when it comes to the actual appointment of decemvirs, Livy seems to be avoiding religious material. He has a very brief prodigy list at 3.29.9, but when it comes to the plague at 3.32.2-4 that precedes the

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[127] The story was not tied to a particular moment in Cincinnatus' career: Dionysius has an abbreviated version of the same story at his first dictatorship (10.24.1-2); while Cicero, *Sen.* 56 dates it to his second dictatorship (cf. Livy 4.13.12-14). Cf. Ogilvie (1965), 441. Livy selects the occasion of the three which is most concerned with an external threat rather than internal politics, even though it is the one where the idea of 'calling out of retirement' has least force, since Cincinnatus had been consul just two years before. Admittedly, Livy dates Cincinnatus' election as consul to December (3.19.2), when one would be unlikely to be ploughing. However, the precise nature of the agricultural activity was itself not fixed in the tradition (3.26.9: 'seu fossam fodiens palae innixus, seu cum araret, operi certe, id quod constat, agresti intentus'; Dionysius 10.24.1: 'τῶν κατ' ἀγρὸν ἔργων τι διαπραττόμενος'), which still suggests that Livy could have transferred the story here had he wished.

[128] Cf. Wiseman (1979), 82.

establishment of the decemvirate, he does not offer any indication that it has any religious significance. We may contrast the longer description of Dionysius (10.53.1-54.2), who describes the Romans as appealing to the gods, and indeed as introducing into their worship new 'ἐπιτηδεύματα οὐκ εὐπρεπῆ' (10.53.5), and finally abandoning religion altogether (10.53.6). However, after the plague abates, they have sacrifices of thanksgiving (10.54.1). Similarly, Zonaras 7.18 has the decemvirate established 'διά τινα σημεῖα'.

Livy's avoidance of this may be connected with his generally favourable treatment of the first year of the decemvirate: he shows their innovations as important and desirable. It is only with the second year that Appius Claudius takes centre stage, and things take a turn for the worse. However, he foreshadows the decline of the decemvirate from the very start (3.33.2); moreover, in his account Appius' benign behaviour in the first year is a mask disguising his true character (3.33.7 'novum sibi ingenium induerat'; cf. 3.36.1), whereas in Dionysius he is genuinely benign at the start and is corrupted by power (10.54.7).[129] Nor is it that in his account the sole villains are the decemvirs, and that the people are free from guilt: apart from the fact that this is not a distinction that the Romans would usually have recognised as valid in religious matters (above, 8-9), Livy shows class strife continuing up to the moment that the decemvirs take office (3.32.5-7); we can add that it is the people's fear of the upper classes that leads them to place excessive power in the hands of the decemvirs (3.34.8, 3.37.1-2).[130]

Under these circumstances, his avoidance of a religious story that could, in its balance of piety and impiety, have reinforced his overall picture of the period, and would additionally have carried on his treatment of religion from the beginning of the book, demonstrates yet again Livy's relative lack of interest here in creating an underlying religious theme across long stretches of his narrative. Both the establishment and the corruption of the decemvirate are to be seen in essentially secular terms.

The same is largely true in the rest of the book. Appius' opponents employ religious language (e.g. 3.39.4, 3.45.9, 3.52.4). At his trial he is called 'deorum hominumque contemptor' (3.57.2), and the people express their outrage at his use of 'provocatio' by saying 'deos tandem esse et non neglegere humana' (3.56.7). However, Livy in fact has played down direct indications of impiety by the decemvirs. While he refers to their oath at 3.36.9, he places considerably less emphasis upon it than does Dionysius (10.59.1-2), who also both directly and implicitly contrasts it with proper

[129] Overlooked by Wiseman (1979), 80-82; but seen by Vasaly (1987), 215-6.
[130] Vasaly (1987), 222.

Roman piety (10.59.3, 11.11.5). Likewise, Livy tells the murder of Siccius without any religious overtones, except the single phrase 'nefanda facinora' (3.43.1), whereas Dionysius explicitly states that divine providence led to the exposure of the crime (11.27.1).[131] The one episode where Livy seems interested in religion is his account of the restoration of tribunicial inviolability (3.55.6-12), which he describes as a combination of religious and legal sanction (3.55.7); but even there the main stress is on the complex technical question of the precise nature of the inviolability, rather than on the Roman state returning to a proper respect for the gods.

Once again, therefore, Livy fails to follow through the implications of his treatment of his religious material at the beginning of the book, and prefers instead to handle the decemvirate as a secular affair. This may be related to its significance in the development of early Roman institutions: it stands at the centre of the pentad, and marks the moment at which the Roman legal system is provided with the framework through which the city's political difficulties may be resolved (3.34.4-6).[132] It has already been observed that religious material tends to be played down by Livy in the vicinity of key battles, and it might be thought that this key political moment deserved similar treatment. But the transfer from kings to consuls is explicitly said by Livy to have been of even greater significance (3.33.1-2), yet there he laid a great deal of stress on religious matters, even if not always consistently (above, 143-5, 148-53). Nor do politics warrant such treatment elsewhere in the work. This may be a partial explanation, but still more significant is his general lack of interest here in creating an overall religious theme.

4. Book 4

Book 4 opens with the conflict over the *lex Canuleia* and the creation of the consular tribunate. Livy here elevates religion into one of the central issues of the dispute. The consuls in their speech stress the religious separation of patricians and plebeians, and how intermarriage would confuse this (4.2.5-6). Canuleius' reply refers to this (4.3.9), and responds by pointing to the recentness of the ban on intermarriage (4.4.5), but also to other innovations and developments, in the religious as well as the secular sphere (4.4.2-4).

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[131] This is doubtless connected with Dionysius' generally more sensationalist treatment of the episode: cf. Burck (1934), 35.

[132] Cf. Burck (1934), 8-9.

The issue is raised again at 4.6.2-3. Dionysius, by contrast, hardly mentions the idea.[133]

At the end of the episode Livy stresses the harmony in the state that leads to the plebeians choosing patricians as consular tribunes over the candidates of their own class (4.6.11-12). At the same time, the compromise of the consular tribunate means that the religious issue is not fully resolved, and this may be reflected in the fact that he shows the election abrogated as invalid, due to the failure of the consul Curiatius to conduct it properly (4.7.3). It is significant that the consuls at 4.2 had been the chief opponents of the proposal, and it is moreover possible that Livy identified Curiatius as the person who tactlessly told the people that they were not qualified to take the auspices.[134] Dionysius, on the other hand, has the abridgement of the consular tribunes' term of office as due to 'θεοπέμπτων τινῶν σημείων κωλυτηρίων αὐτοῖς τοῦ πράττειν τὰ κοινὰ γενομένων' (11.62.1), suggesting a later event, rather than a flaw in the election. Hence we can see Livy emphasising religious material, and more importantly selecting it in order to reinforce the complexities of the dispute.

Religion plays little part in the next section, but reemerges with the story of Cossus winning the *spolia opima* (4.17-20). Here the contrast is entirely between the completely virtuous Romans and the sacrilegious Etruscans.[135] The king of Veii, Tolumnius, violates international law by murdering four Roman envoys (4.17.2-6). The Romans, on the other hand, fight with the support of the auspices (4.18.6); Cossus kills Tolumnius, attacking him in religious terms (4.19.3), and dedicates the *spolia opima* to Jupiter Feretrius (4.20.3); the dictator Mamercus then also makes an offering to Jupiter Optimus Maximus (4.20.4). If we exclude the actual dedication of the *spolia opima* (which is after all the main point of the story), no other source pays anything like as much attention to religion. Even Propertius 4.10.23-38, who is actually writing a poem of religious aetiology, says only 'di Latias iuvere manus' (4.10.37); Dionysius 12.5 and Valerius Maximus 3.2.4 have nothing at all.

The paragraph that follows Cossus' dedication, 4.20.5-11, is almost certainly Livy's later addition to his original text.[136] As such, it would not be surprising if it conflicted with the main body of the Cossus story; but it fact it continues and indeed intensifies the idea of Roman piety. Apart from

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[133] His one reference is at 11.56.2, where Claudius says that the consulate is 'ὅσιόν τε καὶ θεμιτόν' for patricians alone to hold.

[134] The text of 4.6.2 is dubious: see Ogilvie (1965), 538-9.

[135] Cf. Burck (1934), 96-7; Ogilvie (1965), 557-8.

[136] H. Dessau, "Livius und Augustus", *Hermes* 41 (1906), 142-51; cf. J. Bayet, *Tite-Live Histoire Romaine Tome I, Livre I* (Paris, 1947), xvii-xviii; T.J. Luce, "The Dating of Livy's First Decade", *TAPhA* 96 (1965), 211-18.

the references to Augustus' restoration of the temples (4.20.7), it returns to Cossus' own piety, and uses it as the clinching argument in favour of his having been consul: he would not have written a lie after dedicating the *spolia* in that very temple, with Jupiter and Romulus as witnesses (4.20.11). Indeed, it might not be fanciful to suggest that Livy uses this strongly religious tone, not only because of its appropriateness to Augustus, but also because it links well to the themes of the main story, and so helps dovetail in an somewhat awkward addition.

However, it might seem odd that Livy has such unequivocally favourable religious material in a part of the book where generally the Romans are beset by difficulties. He has just before this described the revolution of Maelius (4.13-16), in a year which he began in the following terms (4.12.6-7):

> multiplici clade ac periculo insignis, seditionibus, fame, regno prope per largitionis dulcedinem in cervices accepto; unum afuit bellum externum; quo si adgravatae res essent, vix ope deorum omnium resisti potuisset. coepere a fame mala, seu adversus annus frugibus fuit, seu dulcedine contionum et urbis deserto agrorum cultu.

The famine is not seen directly in religious terms, but it is strikingly related to a lack of morality by the Romans[137] — a theme that is reinforced when it forms the chief pretext for Maelius' revolution (4.12.8-13.4). Moreover, in the year following Cossus' victory there is a plague and prodigies, as well as a further attempt at revolution (4.21.1-5). Under these circumstances, the treatment of religion in the Cossus episode seems out of place, an island of optimism in a sea of pessimism. The explanation is perhaps that the episode as a whole forms the climax to the first half of the book, describing in some detail a key moment in Roman history before returning to a fairly rapid survey of the city's problems over the next thirty years.[138] This heroic moment is recounted in an appropriately laudatory manner; at the same time, it demonstrates yet again that the creation of an overall religious theme in these books is not a primary consideration.

The plague and prodigies after the Cossus episode in fact inaugurate a significant sequence of religious material. The plague is said to continue into the following year (4.21.6); and shortly afterwards Livy puts even more emphasis on it. At 4.25.3-4 he describes measures taken to try and propitiate the gods, but explicitly says that they were unsuccessful, at least

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[137] Unlike Dionysius 12.1.1, who has no indication that the Romans themselves might be responsible for the famine.

[138] Cf. Ogilvie (1965), 526, 557.

until the following year (4.25.6). This reaches its climax at 4.30.7-11, where drought and disease together affect Rome: this leads the Romans to superstition, as they turn to foreign religious rites in order to try to appease the gods;[139] finally the aediles are given the task of ensuring that Roman religion is not contaminated (4.30.11).

The way in which Livy builds up this theme makes it appear that he is seeking to unite his rather disparate material by showing the Romans progressively affected by the gods' anger. Directly after this, however, the section culminates with the climactic battle against Fidenae (4.31-34), and here Livy shows the Romans as finally achieving a proper piety. After the account of them turning to superstition, their behaviour in the next section is marked by their scrupulous attention to religious detail. The Romans send the fetials to demand restitution, even though this involves delaying the war (4.30.13-14). Livy's account points to the care taken by the Romans to follow tradition (4.30.14: 'more patrum'), despite its inconvenience.[140] Likewise, when a dictator is needed, they make sure to consult the augurs, since there was no precedent for a dictator being named by consular tribunes (4.31.5).

Similarly, in the final battle, the impiety of Fidenae and Veii is emphasised (4.31.7, 4.32.5, 4.32.12). And, as if in contrast, Livy precedes the last two of these with reminders of Cossus' earlier winning of the *spolia opima*, both times referring to it in explicitly religious terms, mentioning the dedication to Jupiter (4.32.4, 4.32.11). There is also a brief reference to the Romans' prayers before battle (4.32.8).

So the overall effect is that Livy is using his religious theme to bind together the centre of the book, building up to the climactic battle. The Romans suffer the anger of the gods and fall into impiety, but then return to proper religious practices, and are successful against their impious enemies.[141] The change from impiety to piety is somewhat abrupt, it is true, but at the same time their very juxtaposition in 4.30 makes it likely that we are meant to observe the contrast, and to see the ultimate victory as deserved. However, the effect is somewhat weakened by the interruption in 4.26-29, where Livy describes a war against the Volsci and Aequi. The few references to religion in this section are quite different: to contrast yet again the pious Romans and impious foreigners.[142] The Romans vow games

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[139] Contrast Dio fr. 24.1 (probably referring to the same episode, despite the mention of the Faliscans), which relates the influx of superstition to military reverses, not drought or plague.

[140] 4.30.13: 'ne confestim bellum indiceretur neve exercitus mitterentur, religio obstitit'.

[141] Cf. Burck (1934), 99-100.

[142] Cf. Erb (1963), 68-71, on the way in which Livy regularly in Book 4 shows the impiety of Rome's foreign enemies.

before the battle (4.27.1), and dedicate a temple after it (4.29.7); the Volsci, on the other hand, are encouraged not to rely on the gods' aid (4.28.4) — we may compare Flaminius at Trasimene (22.5.2 — cf. above, 42). Yet again Livy, even in the course of building up a religious theme, is prepared to include material incongruous with that theme for purely transient effect.

5. Conclusion

The first thing to observe about Livy's treatment of religion in Books 2-4 is that much of the religious material that he uses centres around similar premises to what we have seen in the Third and Fifth Decades: the relation between piety, the favour of the gods, and success in warfare. In this it may be contrasted with Book 1, where such themes are considerably less prominent, and where religion is mostly employed for rather different effects. This is important, and perhaps even shows Livy moving towards the broad position of the later books. However, it is still more significant that within these early books these premises are not consistently followed through. Sometimes Livy even includes material that appears to be based upon completely different premises. The most striking instance of this is the Cremera, where the implications of the omen before the battle fail to cohere, not only with other uses of religion in Book 2, but even with the way that religion is treated in all the rest of the work; another example, less obvious but still significant, is the correlation between Coriolanus' *im*piety and his success in war. Or, on other occasions where the basic premises remain the same, Livy nevertheless employs them for very different aims in different episodes, even when those episodes are juxtaposed: thus, for example, the Romans will display impiety at home and piety abroad, without it being clear how the two relate to each other. Examples of this include the opening of Book 2, or the material around the winning of the *spolia opima* in Book 4: in each case the attribution of piety and impiety, or of the corresponding divine favour and disfavour, is focussed extremely narrowly upon a particular scene, and is unrelated to the way the same idea is employed in surrounding scenes.

More often, there is no direct inconsistency of this sort, but Livy still avoids the very material that would cohere well with what he has elsewhere: this suggests his lack of interest. Examples include the end of Book 2, or the story of the decemvirate in Book 3. It *could* be that in such cases he still intends there to be a religious theme, but simply wishes it to be less overt; but when the playing down of the material that would highlight a consistent theme is combined with the prominent inclusion of material that

directly contradicts such a theme, it is hard to avoid the general conclusion that he has no interest in the consistency of his religious material.

Why? It is not because of the lack of appropriate material; as we have seen, he was prepared to omit even such a famous story as the epiphany at Lake Regillus, and could likewise have omitted or treated differently the inconsistent material that he includes. It might be thought that it is to do with the somewhat piecemeal nature of his subject matter: whereas in the later parts of the work a book may contain the events of only one or two years, these books each cover at least twenty, and it might be thought that this would make it harder for him to employ extended themes. This too, however, is inadequate: Book 1, which covers two hundred and fifty years, uses religion, if not consistently, then at least as a broad structural device. Moreover, Book 2, for example, is tightly bound together by such ideas as liberty and the class struggle, and there seems to be no reason why a consistent religious theme could not reinforce this.

More likely, therefore, is that the inconsistency is due to the nature of the period itself. Livy might naturally find religion less central to the history than it had been in Book 1, and consequently had less incentive to treat it consistently. It is more important to him that it should back up in the separate episodes the themes important for these books, than that it should be a coherent theme in its own right. This may be seen most clearly if we contrast the book that is the subject of the next chapter, where religion for the first time becomes the central theme of the work.

CHAPTER SIX

BOOK FIVE

A discussion of Book 5 is clearly central to any treatment of religion in Livy, since it is the one place in the work where an entire book is overtly centred around religious themes, a point that is brought out by the climactic speech of Camillus which summarises the events of the book in religious terms. This puts the seal on the narrative, and encourages us even more openly than usual to see the rise and fall of Rome as being directly related to her degree of conscientiousness towards her religious obligations.[1]

The religious nature of the Camillus story is not, of course, unique to Livy.[2] Plutarch's life of Camillus is extant, as are excerpts from the account of Dionysius, and also various briefer treatments, either of the whole story or of particular episodes within it. In all the religious theme is prominent. So many of the events, and especially the most famous, were religious in character, that this aspect could hardly avoid being stressed. Nevertheless, Livy has gone further than any other writer in recasting the story so as to place particular emphasis on religion, and moreover so as to bind the religious theme as closely as possible into the structure of his work.

The structure of the book is very simple: it divides into two halves, the first concerned with the siege of Veii, the second with the capture of Rome; there is also a bridging passage at 23-30.[3] Each half has its own climax, the first with the taking of the former, the second with the relieving of the latter, and Camillus' speech provides a powerful overall conclusion. The religious side of the book reinforces this.

The opening section of Book 5 is at first sight somewhat surprising in this light, for there is virtually no religious material in the first ten chapters, almost a quarter of the total book. This part is instead devoted to the

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[1] This point has not been missed by the commentators: R.M. Ogilvie, *A Commentary on Livy Books 1-5* (Oxford, 1965), 626 sees the religious element as central to the book's structure; also see G. Stübler, *Die Religiosität des Livius* (Stuttgart &c., 1941), 93. For a rather different analysis of the book, centring more on the corruption of wealth, see G.B. Miles, "The Cycle of Roman History in Livy's First Pentad", *AJPh* 107 (1986), 1-33.

[2] See W. Liebeschuetz, "The Religious Position of Livy's History", *JRS* 57 (1967), 50.

[3] E. Burck, *Die Erzählungkunst des T. Livius* (Berlin, 1934), 109; Ogilvie (1965), 626.

struggle between the patricians and the plebeians, in this case over the principle of winter campaigning. Why, then, is this section placed here at all? Would it not belong better in the previous book, where the class struggle plays that much more central a role?

To this various answers can be given. The first is trivial: it is so that the speech of Appius Claudius in 3-6 can balance Camillus' at the end — trivial, because Livy could have composed a speech for whatever stood at the beginning. More significant is that the class struggle is important in this book as well, since it is at least partly that which will lead to the argument over the projected migration to Veii, to the exile of Camillus, and to the breach of faith that puts Rome under attack from the Gauls. This section therefore sets out the background for the internal dissension that will assist in Rome's downfall, and which is contrasted with the *concordia* that the Romans show as they attempt to save the state. Moreover, the specific reason put forward for the necessity of year-round campaigning is that it will enable the Romans to prosecute as effectively as possible the siege of Veii: this introduces a causal link, and also emphasises how important and difficult it is for the Romans to achieve a victory. The difficulty is also brought out by the failures of 7-11, which make the divine aid, when it comes, that much more striking by contrast with the human failure.[4]

Not only is the class struggle important in this book, but it is also linked very closely to the religious theme, as we shall see (cf. above, 6-7). This may explain why a story found in Florus 1.6.8 does not appear in Livy. Florus has the Roman soldiers swearing an oath not to leave Veii until its defeat ('adactus miles sua sponte iure iurando ne nisi capta urbe remearet'). The time of the oath is not made clear, but it seems most likely that it is connected with the Roman decision to prosecute the siege the whole year round. In Livy, however, this religious dimension is absent. He does not show the soldiers taking account of the gods in their campaign while discord still prevails in the state.

Moreover, in the opening paragraphs of the book Livy prepares us for the dominating importance of religion in it. It begins with the election of the consular tribunes, one of whom is Camillus — the first time that he has been mentioned. The Veians, too, are brought in very early, and in a highly significant context (5.1.4-6):

> gravis iam is [sc. the new Veian king] antea genti fuerat opibus superbiaque, quia sollemnia ludorum quos intermitti nefas est violenter diremisset, cum ob iram repulsae, quod suffragio duodecim populorum alius sacerdos ei praelatus esset, artifices, quorum magna pars ipsius servi erant, ex medio ludicro repente

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4 Burck (1934), 111-3; Ogilvie (1965), 641.

> abduxit. gens itaque ante omnes alias eo magis dedita religionibus quod excelleret arte colendi eas, auxilium Veientibus negandum donec sub rege essent decrevit.

From the very start, therefore, Livy has established the impiety of the Veians — this is a theme which appears in no other surviving account. This impiety has the direct effect of denying them the help of their neighbours, but in the context of the book as a whole, as we shall see when we come to the actual capture of Veii, it anticipates and explains the divine favour which is to be withdrawn from them. We are thus prepared from the start for the religious theme that is to dominate the book.

This dominance begins in full earnest with 5.13.1-8, where we find what is in effect a prodigy list, directly following the election of the year's consular tribunes (5.12.10): we are told that there was a bad winter, and that this was succeeded by a summer of plague, to counter which a *lectisternium* was held. Both the winter and the *lectisternium* are found in Dionysius (12.8-9). His text is fragmentary after Book 11, and it is therefore impossible to see exactly how he is treating them in context; but he does offer greater detail than Livy, especially for the former. This may be simply because he generally is more expansive, especially when there are events which are of antiquarian interest: there is certainly no implication that Livy is playing down the importance of these events. In particular, while Dionysius concentrates on the antiquarian side of the *lectisternium* ritual, the emphasis in Livy is much more on its specifically religious aspects.[5]

What role then are these prodigies playing in Livy? The primary connection is to the class struggle, still so important in this book. The previous chapters have been taken up with attempts by the patricians to have their own candidates co-opted as tribunes of the people, the tribunes' counter-attack with a prosecution of the previous year's (patrician) consular tribunes Sergius and Verginius, and the efforts of the plebeians to have plebeians elected as consular tribunes; as we have noticed elsewhere, Livy regards such class strife as highly detrimental to the state. The relationship of the prodigies to this sequence of events is moreover supported by 5.14.2-5, where the patricians blame the prodigies on the gods' anger at the election of a plebeian consular tribune: the connection with the discord of the previous year is thus directly made from within the text. Not that we are to accept the patricians' interpretation as correct — it is more likely to be the fact of dissension that we are to see as the cause of the prodigies. But it does suggest that it is the conflict over the elections which we are to have

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[5] Burck, (1934), 113-4.

uppermost in our minds at this point — especially since this very interpretation of the prodigies is yet another manifestation of the conflict. At the same time, the enthusiastic response of the people to the *lectisternium* (5.13.7-8) suggests that matters are beginning to come right for Rome, although, as was said, the patricians follow this with a renewal of conflict.

No direct link is made here between the Roman discord leading to the anger of the gods on the one hand, and the continuing stalemate at Veii on the other; but such a connection is implicit, as will be seen, in the close juxtaposition of these prodigies to the next episode to be discussed.[6] This is one of the most famous stories in the book: the increase in the level of the Alban Lake, and the interpretation of it given by the Veian soothsayer and the Delphic Oracle (5.15-17).[7] The story is broadly the same in all versions, but no one other than Livy has the account prefaced with a mention of other prodigies, prodigies which were apparently numerous, but which were ignored because of the paucity of witnesses and because there were no haruspices around to advise on *procuratio*.[8] This then leads into the Alban Lake story — said to be the one prodigy which attracted everybody's attention (5.15.1-2). This section serves to accentuate the significance of the episode that is to follow — the Veian seer is specifically said at 5.15.6 to be a haruspex, and his capture can thus be seen as providing a key, not merely to the correct treatment of the Alban lake prodigy, but to the solution of Rome's religious problems in general.[9] The importance of this is made clear by 5.17.1-4, another part of the story that has virtually no parallel in other writers:

> ingens inde haberi captivus vates coeptus, eumque adhibere tribuni militum Cornelius Postumiusque ad prodigii Albani procurationem ac deos rite placandos coepere; inventumque tandem est ubi neglectas caerimonias intermissumve sollemne di arguerent: nihil profecto aliud esse quam magistratus vitio creatos Latinas sacrumque in Albano monte non rite concepisse; unam expiationem eorum esse ut tribuni militum abdicarent se magistratu, auspicia de integro repeterentur et interregnum iniretur. ea ita facta sunt ex senatus consulto.

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[6] Cf. Ogilvie (1965), 651.

[7] This story is recounted by a number of other sources: Cicero, *Div.* 1.100, 2.69, Dionysius 12.10.1-12.1, Valerius Maximus 1.6.3, Plutarch, *Camillus* 3-4, and Zonaras 7.20 all give it in some detail.

[8] See E. Rawson, "Prodigy Lists and the Use of the *Annales Maximi*", *CQ* 21 (1971), 164-5.

[9] J. Hubaux, *Rome et Véies: recherches sur la chronologie légendaire du moyen âge romain* (Paris, 1958), 184.

The only mention of this outside Livy is in Plutarch, *Camillus* 4.6, who has the Delphic oracle warning of neglect of the Latin festival,[10] but who provides none of the details of Livy's account. In Livy the value of the presence of the haruspex is made clear by his assistance in performing the expiation.

What is more, we are in this way given an explanation not only for the Alban Lake prodigy but also by implication for the others, and an explanation which ties this episode to the prodigy list immediately before, at 5.13.1-5. These prodigies were, as was argued above, linked to the internal discord at Rome, discord which culminated in the senators' use of the religious scruples of the electorate to ensure that patrician candidates were returned. It is this election which is now said to be invalid, and which we can presume to be the cause of the prodigies in 5.15.1, as well of the Alban Lake prodigy specifically:[11] discord once again is the factor that is causing religious problems. And indeed it looks as if discord will break out again for, immediately upon the resignations, the tribunes of the people canvass for a majority of the new appointees to be plebeian (5.17.5). In the event only one is, P. Licinius, who then retires in favour of his son (5.18.1-6). This election, however, is 'haud invitis patribus' (5.18.1), and, moreover, Licinius speaks of the fact that he was the first to be named as 'omen concordiae' (5.18.3).[12] Both of these points suggest that the Romans are at last acting in unison, and, significantly, it is now (5.19.1) that the rites are properly carried out, the Alban Lake is drained, and the way is open for the capture of Veii. Internal harmony in the state, Roman piety, the favour of the gods, and success at Veii are all closely bound together.

Another significant difference between Livy's account and those of other writers is the motivation for the Veian seer's original revelation, which led to his capture. In Dionysius 12.11.2, for example, it is simply careless boastfulness, and this is followed, more briefly, by Plutarch, *Camillus* 4.2; while in Cicero, *Div.* 1.100 the Veian is a deserter. In Livy, while the Veian

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10 'αἳ πατρίων τινῶν περὶ τὰς καλουμένας Λατίνας ἑορτὰς ὀλιγωρίαν ἔφραζον αὐτοῖς'.

11 This interpretation is confirmed by the mention at 5.23.1 of 'prodigia procurata', which are said to lead to the fall of Veii. Possibly Livy is referring to the Alban Lake, but, in view of the plural noun, it seems more likely that he is talking about the prodigies of 5.15.1. The actions taken by the Veian seer in the passage under discussion must therefore be intended to expiate those prodigies as well, as no other expiation is described: this provides further, if indirect confirmation that we are to see those prodigies as related to the improper election of the magistrates.

12 The choice of the first century to vote was considered an omen of good fortune for the candidate in question (Cicero, *Div.* 1.103). It distorts the meaning of this omen to regard it as an 'omen concordiae' (Ogilvie (1965), 668); this suggests that Livy was straining to make the connection between religion and class strife as overt as possible.

is a loyal citizen, it is strongly implied that his revelation was itself prompted by the gods: it is described in the language of prophecy,[13] and moreover is treated by the seer himself as such (5.15.9-10):

> respondit profecto iratos deos Veienti populo illo fuisse die quo sibi eam mentem obiecissent ut excidium patriae fatale proderet. itaque quae tum cecinerit divino spiritu instinctus, ea se nec ut indicta sint revocare posse.

Livy's account seems better motivated than Dionysius' and Plutarch's; it explains how a man might let slip a revelation so obviously damaging to his country.[14] More significantly for our purposes, it provides us with further evidence of the divine favour that is beginning to shine upon the Romans; and, more generally, it once again shows the pervasiveness of the religious theme in the book, with ostensibly natural events being explicitly provided with a divine interpretation.

One further difference is the ways in which the various writers explain the need to acquire explanations from two sources, the seer and the oracle. Cicero simply has the former, while Valerius Maximus 1.6.3 is content to have an identical prophecy provided by both. This is not a problem for his short disconnected anecdote; Dionysius 12.11-12 has the same version, although it seems to leave his longer narrative rather loosely constructed. The other accounts both attempt to provide something more in the way of motivation. Zonaras 7.20 expressly states that the oracle alone did not provide enough information about the specific sacrifices to be performed, thus necessitating the capture of the Veian: we must presume that in his story he envisages the response from the oracle to have been received before the Veian entered the picture — a version unique to him. Plutarch, *Camillus* 4 precisely reverses this: in his account, again uniquely to him, it is not until after the capture of the Veian that the Romans send to enquire from the oracle, and the response provides them with additional information about sacrifices that had been neglected.[15]

What then of Livy? His sequence of events is the most common one, with the envoys sent to Delphi as soon as the Alban Lake prodigy appeared, and not returning until after the Veian's capture. However, so as to make it clear that neither source was superfluous, he has each providing information that is not provided by the other. The oracle advises (5.16.11):

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[13] 5.15.4: 'vatinicantis in modum cecinit'.

[14] Dionysius' version, which has the Veian 'accidentally' providing the required information in the greatest detail, is especially amusing in this respect — the only question would be why the Romans, having overheard the whole story, should then go to the bother of capturing him!

[15] See G. Dumézil, *Mythe et Epopée III: Histoires romaines* (Paris, 1973), 48-51.

'sacraque patria, quorum omissa cura est, instaurata ut adsolet facito'. It does not, however, unlike in Plutarch, say exactly what rites are being referred to: this is left to the Veian who, as was pointed out above, is a haruspex, and who is therefore especially qualified to set out the appropriate Italian rites; and these rites, as was argued above, are intimately connected with the narrative of *discordia* at Rome. What the oracle does specify — another feature that appears nowhere else — is that a gift from the spoil should be sent to Apollo. This, as we shall see, is later to have important ramifications.

Before we move on from the Alban Lake prodigy, it is worth noting a supplement to it which is found in Cicero, *Div.* 1.100 and Dionysius 12.13.1-3, but of which there seems to be no trace in Livy. This is the visit of Veian envoys to Rome in order to sue for peace, who, when repulsed, warn the Romans of the imminent capture of their own city. Dionysius offers more detail than Cicero: he has the prophet telling the Romans that the sack of Rome will be as νέμεσις from the gods, since they rejected the surrender of Veii, and preferred to have it utterly destroyed.

Why does Livy omit this episode? The answer is surely that at this stage in the narrative he has no desire to prefigure the capture of Rome, and especially does not wish to relate it to divine *invidia* over the capture of Veii, which would be likely to be understood from the juxtaposition, even if it were not, as in Dionysius, expressly stated. The religious material in this part, as we have seen, tends to be related to the class struggles at Rome, and it would work against this if he were to have the downfall of Rome prophesied at the very point at which the Romans seem at last to be uniting. What is more, there is little in Livy to suggest that we are to regard the sack of Veii as bad; it is for him a vital step on the path to empire and greatness. The theme of *invidia* will play its part later, at the capture of Veii, but even then, as we shall see, it is, relatively speaking, played down; and there, moreover, it is closely related to the religious presentation of Camillus in particular. Here it would be quite out of place.[16]

Between the section just recounted and the narrative of the fall of Veii proper, which begins at 5.19, there is the short story, in a rather lower key, of the defeat of Titinius and Genucius by the Falisci and the Capenates, which is followed by panic in Rome quite out of proportion to the scale of the rather minor setback (5.18.7-12). The passage as a whole provides the final relaxation before we begin building up to the climax of the first half

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[16] Stübler (1941), 52-3 fails to notice the implication of the different contexts to the two *invidia* stories, and so is confused as to Livy's attitude to the theme.

of the book: even with this in mind, the story might seem somewhat too farcical for its context, were it not for its significant conclusion (5.18.11-12):

> concursumque in muros est et matronarum, quas ex domo conciverat publicus pavor, obsecrationes in templis factae, precibusque ab dis petitum ut exitium ab urbis tectis templisque ac moenibus Romanis arcerent Veiosque eum averterent terrorem, si sacra renovata rite, si procurata prodigia essent.

This section provides something like a third of the length of the total story, and elevates the whole by providing a dramatic link with the religious sequence that is leading to the fall of Veii. To begin with, it presents the Roman matrons acting in a suitably pious manner, which reinforces the attempts of the Romans at this point to gain the favour of the divine. What is even more important is that Livy, by means of a significant juxtaposition, is providing a further strong hint that the gods' support against Veii is present. For after the matrons have prayed for the 'terror' to be turned against Veii 'si sacra renovata rite, si procurata prodigia essent', the very next words are 'iam ludi Latinaeque instaurata erant, iam ex lacu Albano aqua emissa in agros, Veiosque fata adpetebant' (5.19.1). The Romans are fulfilling their side of the bargain, and we are now prepared even more than before to see the divine working on their side: the end of Veii is imminent.[17]

The imminence of the fate of Veii is now also brought out by the bringing into centre stage of Camillus, the 'fatalis dux ad excidium illius urbis servandaeque patriae' (5.19.2). Livy informs us that the whole spirit of the city was changed by the new general (5.19.3), but, as far as religious matters go, Camillus represents less a change of direction than an intensification of what was already happening. We have already seen the Romans working together and enlisting divine support against Veii; now this is reinforced by a rapid succession of episodes in which Camillus vows various favours to the gods if he should return from Veii victorious. At 5.19.6 he vows games and the restoration of the temple of Mater Matuta; at 5.21.1-2, after taking

[17] Ogilvie (1965), 669 sees the main purpose of the episode as the heightening of psychological excitement. It is true that Livy is employing the stock theme of terror at the siege of a city that will return to far greater effect at the sack both of Veii (5.21.11-13) and of Rome (5.39-40): this passage prepares the way for both. The effect, however, is still rather weak, since the fears in this case are so clearly ungrounded. Ogilvie suggests that there is a borrowing from an obviously emotional scene in the *Iliad*: one of the main points which he claims as Iliadic is 'women on the walls', but it is by no means clear that 'matronarum' is to be taken with 'concursum' as well as 'obsecrationes'.

the auspices, he promises a tenth of the booty for Apollo.[18] Immediately after this, at 5.21.3, he performs the ceremony of *evocatio*, promising that if Juno abandons her protection of Veii and comes over to Rome, she will be given a splendid temple — in this connection, it is noteworthy that, when the attack on the city finally takes place (5.21.10), it comes from a tunnel dug into the temple of Juno, a concrete example of the goddess' aid.[19]

While other accounts of the war discuss the fulfilment of these vows (below, 189-91), the only one which describes any of them being made at this point in the story is Plutarch, *Camillus* 5.1, who mentions the first only.[20] Livy is the only source who describes all the vows in their proper place. He highlights Roman piety more and more as the fall of Veii comes closer; he also gives us a very strong initial impression of Camillus as a man particularly concerned with religious matters.[21] What is more, as we shall see, the fulfilment of these vows is very important in Livy's narrative; setting them out in advance in this way contributes to the impression that they are not simply disconnected anecdotes, but play a vital part in the movement of the story.[22]

The importance of the sequence of religious material in this episode is thus apparent from the narrative; it is also stressed explicitly by Livy in his own voice (5.21.5):

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[18] As the Delphic oracle had advised at 5.16.11. As was said (above, 181), this recommendation by the oracle appears nowhere else; in all other sources the idea is entirely Camillus' own. In view of the controversy later aroused by the fulfilment of this vow, and Livy's care to present Camillus' part in it in the best possible light (below, 189-91), it seems not unlikely that its Delphic origin has been invented by Livy in order to absolve Camillus from blame.

[19] Plutarch, *Camillus* 5.4-5 has the same circumstance, but in his case the connection is less clear, since the only deity to whom a vow has been made in his account is Mater Matuta (below, n.20).

[20] What is more, he seems to misunderstand it; for he never describes the Mater Matuta vow as being fulfilled, but when he comes to Camillus' order that Juno's image be moved to Rome, he says that this is 'ὥσπερ εὔξατο' (*Camillus* 6.1) — yet he has not said that such a vow was made. The likeliest explanation is that he has conflated the Mater Matuta vow with the *evocatio* of Juno; it is even possible that this is based on his reading of Livy 5.23.7: 'tum Iunoni reginae templum in Aventino locavit, dedicavitque Matutae Matris'. Plutarch might well have misinterpreted this as meaning that the temple of Juno was dedicated to Mater Matuta.

[21] As too does 5.20.3, where he piously says that victory will come 'deum immortalium benignitate'. See Burck (1934), 116-7.

[22] Note also the argument at 5.20 between Claudius and Licinius over the appropriate division of the spoil; while the matter is apparently settled amicably, it provides a pointer to the eventual dissolution of *concordia* after the fall of Veii, which in its turn leads to the breach in Rome's relations with the gods (note that this is a row not simply between individuals, but between the representatives of their classes: the patrician Claudius had been at the centre of the discord at the beginning of the book, while the plebeian Licinius had been central to the recent elections). The other major factor in the dissolution of *concordia* will be the controversy over Camillus' vow of part of the spoil to Apollo, a vow which is made immediately after the quarrel: the juxtaposition may be seen in retrospect as somewhat ironic, as the seeds of Rome's destruction are sown even in the piety that is leading her to victory.

> Veientes ignari se iam a suis vatibus, iam a externis oraculis proditos, iam in partem praedae suae vocatos deos, alios votis ex urbe sua evocatos hostium templa novasque sedes spectare.

The build-up of religious material is not merely implicitly, as in much of the rest of the work, but also explicitly connected with the military and political action; this once again provides us with confirmation of the central role played by such matters in Book 5 in particular.

One further episode in the run-up to the sack of the city must be considered: the story that a soothsayer informed the Veian king that the person who 'prosecuit' the sacrificial victim that the king had just killed would gain the victory; this is overheard by the Roman soldiers in the tunnel, who burst out, grab the victim, and carry it off to Camillus (5.21.8-9). About this story, however, Livy expresses great scepticism: he refers to it as a 'fabula' (5.21.8), and goes on to say (5.21.9):

> sed in rebus tam antiquis si quae similia veris sint pro veris accipiantur, satis habeam; haec ad ostentationem scenae gaudentis miraculis aptiora quam ad fidem neque adfirmare neque refellere est operae pretium.

What is it in the story that invites these strictures? Not just the supernatural element: apart from the fact that throughout this section Livy has been including omens and prophecies of apparently no greater probability, the phrase 'ad ostentationem scenae' seems to suggest that it is at least in part the staginess of the story to which he objects, the picture of the Roman soldiers conveniently placed to overhear this convenient prophecy, and then jumping out to snatch the prize. However, he still includes the story: even when its truth is doubted, it helps once again to build up to the forthcoming victory of Rome with the help of the gods. Moreover, the sceptical tone is actually of use to him: in a book where the religious and the supernatural are so much to the fore, the balance which Livy generally maintains between belief and scepticism is in danger of toppling too much towards the former. This strongly sceptical passage provides us with a general reminder that stories are not all to be believed (above, 16-30).

At 5.21.15-16 comes the account of Camillus' behaviour at the fall of the city: he prays that any *invidia* incurred by himself or the city because of their good fortune should be as little as possible.[23] As he turns during this prayer he slips, and Livy tells us (5.21.16):

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[23] On this prayer see M. Treu, "Das Camillusgebet bei Livius", *WJA* 2 (1947), 63-74.

> idque omen pertinuisse postea eventu rem coniectantibus visum ad damnationem ipsius Camilli, captae deinde urbis Romanae, quod post paucos accidit annos, cladem.

This is the first direct indication that we have had of the change that is about to appear in Rome's fortunes: the piety of Camillus at the height of success is made clear, but so too is the fact that his prayer is not going to be answered.

We may understand more about Livy's treatment of this episode by comparing it with those of Dionysius 12.14.2 and 12.16.4-5, Valerius Maximus 1.5.2, and Plutarch, *Camillus* 5.7-9. Valerius has a different intention underlying the prayer: Camillus is praying, not that the *invidia* should lead only to a minor disaster, but that the disaster should be transferred from Rome to his own shoulders. His slipping then, according to Valerius, demonstrates that his prayer has been answered, and that the disaster of which the slipping is an omen will come upon him alone. While Livy is stressing Camillus' piety and his love for his country, the version that appears in Valerius would be impossible for him to use: it implies that disaster will not overtake Rome at all, whereas Livy, who, unlike Valerius, is writing a continuous narrative, has to show Rome's fall as coming close after Camillus'. His version, therefore, at the cost of laying slightly less stress on Camillus' altruism, binds the fortunes of city and dictator as close together as possible.

Dionysius, on the other hand, has Camillus praying more or less as he does in Livy; it is his stumble that is treated differently (12.16.5):

> τοῦτον τὸν οἰωνὸν οὔτε μαντείας οὔτ' ἐνδοιασμοῦ δεόμενον, ἀλλὰ καὶ τῷ φαυλοτάτῳ ῥᾴδιον ὄντα συμβαλεῖν, ὅτι πεσεῖν αὐτῷ πᾶσα ἀνάγκη πτῶμα ἄσχημον, οὔτε φυλακῆς οὔτε ἀφοσιώσεως ἄξιον ὑπέλαβεν, ἀλλ' ἐπὶ τὸ κεχαρισμένον ἑαυτῷ μετήνεγκεν, ὡς ὑπακηκοότων αὐτοῦ ταῖς εὐχαῖς τῶν θεῶν καὶ τὸ κακὸν ἐλάχιστον παρεσκευακότων γενέσθαι.

Dionysius thus makes it clear that the real meaning of the event is that it is an omen of Camillus' forthcoming exile — the relation between the fall of Camillus and the fall of Rome is no more brought out here than in Valerius. Camillus, however, misinterprets it to mean that his prayer for a slight mishap has been answered.[24] Livy has no hint of this: it would hardly

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[24] See Treu (1947), 66-7.

accord with the accuracy of Camillus' religious understanding as he has presented it, above all in the great final speech of this book.[25]

Livy, then, is concerned to foreshadow Camillus' fate, and to link it with that of Rome, while at the same time representing him in a good light. In addition, Ogilvie points out a significant detail that is not present elsewhere, and indeed, is unusual in a prayer of this sort:[26] that Camillus prays that the envy 'deorum hominumque' be removed (5.21.15). Ogilvie's explanation is that 'the effect is to focus attention on the theme of *praeda Veientana*. L. eschews a divine in favour of a human explanation of Camillus' career'. The first of these points is true, since it is through the booty that Camillus is to come to grief. The second, however, is less perceptive, in its implication that the divine is absent. Through the whole of this part of the book we have seen the human and the divine working in harness: *discordia* is associated with divine enmity, *concordia* with divine aid; and this pattern is being followed here.[27] Livy, as this omen, which certainly has a supernatural dimension, makes clear, will present the fall of both Camillus and Rome as having its roots in both the human and the divine planes. The implication of this passage is that the cause of the fall is divine as well as human *invidia* resulting from the sack of Veii; as was said above, however, Livy is essentially viewing the sack as a good thing, and therefore does not lay too much stress on this in his account. Human and divine *invidia* over Veii provides the background for the disaster, but we are also presented, as we shall see shortly, with far more direct reasons, both natural and supernatural.

However, we must first examine some more positive religious passages — for the tide is only just beginning to turn, and the bulk of the religious material that we find in this section is still representative of the harmony that brought Rome victory. The first of these is the fulfilment of Camillus' vow of *evocatio*, which was discussed above: now that the Romans are victorious, Juno must be moved to Rome. The preparations for this are described with a great deal of emphasis on the piety of those carrying it out — Livy is showing that the religious spirit that helped them capture Veii is still present (5.23.3-5):

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[25] Plutarch combines the versions of Dionysius and Valerius: like the latter, he has Camillus altruistically praying for any *invidia* to fall on him rather than on the city, but also, as in Dionysius, that the harm will be slight: the slip is then interpreted by him as in Dionysius, without, however, any suggestion that it is a misinterpretation.

[26] Ogilvie, (1965), 677. It is also discussed extensively by Treu (1947), though, unlike Ogilvie, he does not deny the part played by the gods in Livy's version.

[27] Indeed, directly after this passage, the first rumblings of dissension are heard, as the commons resent Camillus' giving to the state the money derived from the sale of captives (5.20.8-10).

cum iam humanae opes egestae a Veiis essent, amoliri tum deum dona ipsosque deos, *sed colentium magis quam rapentium modo*, coepere. namque *delecti ex omni exercitu* iuvenes, *pure lautis corporibus*, *candida veste*, quibus deportanda Romam regina Iuno adsignata erat, *venerabundi* templum iniere, primo *religiose* admoventes manus.

Then the move itself takes place, and here Livy, though once again not vouching for it himself, lays great stress on the desire of the goddess to be moved to Rome (5.23.5-6):

dein cum quidam, seu spiritu divino tactus seu iuvenali ioco, 'visne Romam ire, Iuno?' dixisset, adnuisse ceteri deam conclamaverunt. inde fabulae adiectum est vocem quoque dicentis velle auditam; motam certe sede sua parvi molimenti adminiculis, sequentis modo accepimus levem ac facilem tralatu fuisse.

Three separate miracles are here described: the goddess' nod of assent, her spoken assent, and the ease of moving her, which made it appear that she was following willingly; the balance between belief and scepticism is maintained by Livy, of course, since he attributes the first story to the bystanders, says that the second is 'fabulae adiectum', and of the third says 'accepimus'. The overall effect is to show the Romans as favoured by the gods, and to link that favour with their exceptional piety; at the same time the reader has to make the connection himself, as the possibility is always left open of the phenomena being imaginary.[28]

A comparison with the versions of the story that we find in other writers shows the extent to which Livy has manipulated his account to gain his effect. The fragment of Dionysius that deals with this story (13.3) as far as we can tell lays no stress on the Romans' piety, and the only miracle is that the statue speaks three times, a story which is not doubted by the author. The reason given for the question being asked is also different — 'εἴτε μετὰ παιδιᾶς καὶ γέλωτος εἴτε οἰωνοῦ δεόμενος', which does not mention the possibility that the question is itself divinely inspired. Plutarch has Camillus himself present, and gives one version in which the goddess, while he was praying, spoke her answer outright; he then adds another account, which he mistakenly attributes to Livy, in which Camillus lays his hand on the goddess, and the bystanders say that she 'καὶ βούλεται καὶ συνακολουθεῖ

[28] Stübler (1941), 51 suggests that for Livy the real miracle is the ease of movement, not the statue's speaking, as this is what shows that the goddess is on Rome's side. It is true that the speaking, the second miracle, is given less emphasis by Livy; however, there seems little to choose between the first and the third, and, in any case, it seems artificial to separate the last one off — all three show the goddess' aid equally well.

προθύμως' (*Camillus* 6.1-2). Plutarch then goes on to discuss such stories in general, setting out the dangers of being too credulous or sceptical (*Camillus* 6.3-6) — in this respect he is closer to Livy, but, once again, does not lay as much stress on the piety of the Romans, nor does he have the three separate miracles. All this shows us once again the relative importance of religious matters in Livy, and in particular his keenness to link exceptional acts of piety with exceptional divine favour.

This is the end of the first main climax of the book: the return of the victors to Rome now comes (5.23.1-7), with a passage which resembles a summary, drawing the threads of the narrative together to prepare for a new departure. The summary in fact begins at the end of the previous section (5.22.8), where there is a valedictory account of the city of Veii: the feeling is then continued by a reminder of the factors that led to the Roman victory, in which, naturally, religious material plays an important part: 'et prodigia procurata fuerant et vatum responsa et Pythicae sortes notae' (5.23.1). We are also given a reminder of Roman piety, as the matrons flock to the temples in order to give thanks, and the senate declares *supplicationes* (5.23.3). Then comes the triumph of Camillus, which obviously itself helps round off the story of the victor; but it also points to the discord that is to come (5.23.5-6):

> triumphusque omnem consuetum honorandi diei illius modum aliquantum excessit. maxime conspectus ipse est, curru equis albis iuncto urbem invectus, parumque id non civile modo sed humanum etiam visum. Iovis Solisque equis aequiperatum dictatorem in religionem etiam trahebant, triumphusque ob eam unam maxime rem clarior quam gratior fuit.

The emphasis here is on the use of divine imagery, which is explicitly said to be disliked by the people, but which also is action of a type which traditionally excites the anger of the gods:[29] as was said above, the themes of human and divine *invidia* against Camillus are linked together. Unlike Plutarch, *Camillus* 7.1, however, Livy refrains from explicitly blaming Camillus for conducting his triumph in this way; there is no idea, as there is in Plutarch, that he has become arrogant and over-ambitious. He is clearly doing something wrong, but Livy treats it almost as if it were an involuntary fault, lest he undermine Camillus' position as the near-infallible religious leader — we may compare the story told above of his slipping,

[29] H.S. Versnel, *Triumphus: An inquiry into the origin, development and meaning of the Roman triumph* (Leiden, 1970), 56-93 argues that in general the clothing of the *triumphator* was an imitation of Jupiter, but he suggests (67-8) that this passage shows that such an identification was not acknowledged by the Romans.

where Livy suppresses the idea that Camillus might have misinterpreted the omen. Indeed, the religious behaviour of Camillus immediately after this episode is exemplary: he fulfils his vows to Juno and Matuta Mater (5.23.7).

Immediately after this, however, his final vow has to be fulfilled, and it is here that we get the real beginning of the next stage of the Romans' breach of both piety and internal concord. As was said, (above, 182-3), he had vowed that a tenth of the booty would be given to Apollo: the question before the Romans is how this is to be paid. It is decided to leave it up to each individual to contribute his own share; none the less, we are told that 'ea conlatio plebis animos a Camillo alienavit' (5.23.8-11). Dissension then increases, with the plebs, against the wishes of the patricians, advocating a move to Veii; Camillus takes no part in the dispute, but blames the discord on the non-fulfillment of the vow to Apollo — a tenth of the value of the captured land should also be included. This is made up out of money from the treasury, with an additional contribution from the matrons (5.25.4-10). This, as one would expect, does little to reduce the tension: the tribunes use this as a ground for complaint against Camillus, since he had taken booty that rightfully belonged to the people (5.25.12). Finally, the promised gift is sent (5.28.1).

This story is not mentioned in the surviving portion of Dionysius, but appears in several other sources. Diodorus 14.93.3 refers to the vow, and there is a brief reference in Valerius Maximus 5.6.8 to the contributions made by the matrons. Zonaras 7.21 mentions this, and also refers to the resentment that Camillus' vow caused among the people. But the most interesting comparative material is found in Appian and Plutarch. Appian, *Ital.* 8.1-2 has in outline the same story as Livy: he speaks of the vow, the requested contributions from individuals, and of the inclusion of the value of the land. He does not, however, relate the vow directly to the people's hatred of Camillus.[30] Nor is the inclusion of the captured land as clearly a separate issue as it is in Livy — Appian treats it as an additional spontaneous gesture by the Senate, demonstrating their 'εὐσεβεία' (8.1).

Plutarch, too, offers some interesting variants to the story. He, unlike Appian, does not even mention the question of including the land in the vow; the gift of the matrons is apparently simply due to the shortage of gold in the city to make the offering — the value of the offering had already been collected in the shape of the tithes from the spoil (*Camillus* 8.2-3).

[30] He does, however, end the episode by saying (8.2): 'αὐτὸν δὲ Κάμιλλον ἐν τῷ δήμῳ τις ἐδίωκεν ὡς αἴτιον γεγονότα τῇ πόλει φασμάτων καὶ τεράτων χαλεπῶν'. While it is difficult to be certain when one is dealing with a fragmentary work, the juxtaposition *might* be taken to suggest that some such relation may be intended, even if the ostensible reason is different.

What is more, when he discusses the resentment that Camillus' vow caused among the people, he is somewhat unsympathetic towards Camillus himself. He refers to the people's complaint as 'οὐκ ἄλογον, εἰ καὶ μὴ πάνυ δικαίαν' (*Camillus* 7.6), and blames Camillus for allowing them at the spoil in the first place.[31] Moreover, when Camillus later brings the matter before the Senate, which decrees that each individual should pay his own share of the vow (*Camillus* 7.7-8.1), Plutarch presents this as extremely hard on the impoverished soldiers,[32] and regards Camillus' self-defence as highly unsatisfactory.[33]

Livy, then, unlike Appian, sees the vow as the cause of discord in the state (a connection, indeed, noted by Camillus at 5.24.10); but, unlike Plutarch, he stresses Camillus' piety and blamelessness, removing any suggestion that he is demanding something unreasonable. In this way he sets up a clear contrast between the fully pious Camillus and the factionalising and rather less pious people. And since the discord over the vow is ultimately turned against Camillus himself, his impending exile is already being given a specifically religious dimension.

What is perhaps even more significant is how Livy, again unlike Plutarch and Appian, divides the story into a number of distinct episodes, not merely referring to the inclusion of the land under the vow, but actually treating it

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[31] *Camillus* 7.7: 'ἁλούσης δὲ τῆς πόλεως καὶ διαρπαγείσης, εἴτ' ὀκνήσας ἐνοχλῆσαι τοῖς πολίταις, εἴτε λήθη τις αὐτὸν ὑπὸ τῶν παρόντων πραγμάτων ἔλαβε τῆς εὐχῆς, περιεῖδεν ὠφεληθέντας'.

[32] *Camillus* 8.1: 'ἐγίνετο πολλὰ λυπηρὰ καὶ βίαια περὶ τοὺς στρατιώτας, ἀνθρώπους πένητας καὶ πολλὰ πεπονηκότας, ἀναγκαζομένους ὧν ἐκέκτηντο καὶ κατεκέχρηντο μέρος εἰσφέρειν τοσοῦτον'. The unreasonable tardiness of Camillus is perhaps also accentuated by the fact that, as was said (above, 183), Plutarch does not recount the vow when it was made; like the soldiers, the reader only hears of it much later.

[33] *Camillus* 8.2: 'θορυβουμένῳ δ' ὑπ' αὐτῶν τῷ Καμίλλῳ καὶ προφάσεως ἀποροῦντι βελτίονος εἰς τὸν ἀτοπώτατον τῶν λόγων συνέβαινε καταφεύγειν, ὁμολογοῦντι ἐπιλαθέσθαι τῆς εὐχῆς'. The same excuse appears in Appian, *Ital.* 8.1, which is, however, as far as we can tell given the fragmentary nature of the text, less condemnatory. It is not clear why Plutarch should have wanted to present Camillus as a less than ideal figure here, especially since earlier, as we saw (above, 185), he has followed Livy in treating him as more or less infallible, at least in religious matters. The answer may be that he wishes his career to be more closely paralleled to that of Themistocles, whose *Life* is paired with this one: the comparison between them is not extant, and may never have existed, but Plutarch tends to show up parallels within the actual body of the *Lives*, as well as in the sections specifically devoted to comparison (see H. Erbse, "Die Bedeutung der Synkrisis in den Parallelbiographen Plutarchs", *Hermes* 84 (1956), 398-424, esp. 405, where he discusses this pair). The *Life of Themistocles*, while playing down Themistocles' faults, allows them to remain, to balance the portrait of his greatness (e.g. *Themistocles* 2 — see P.A. Stadter, "Searching for Themistocles", *CJ* 79 (1983-4), 358), and it seems likely that he would have wanted Camillus, too, not to appear a complete paragon. Cf. also C.B.R. Pelling, *Plutarch: Life of Antony* (Cambridge, 1988), 15, who suggests that Plutarch had a particular interest in the vices of great men — he regarded the portrayal of unalloyed goodness as untrue to life.

as a separate issue requiring separate discussion; moreover, the final sending of the gift is also, unlike in the other sources, not treated with the rest of the story, but a few pages after it. Livy's story is thus in three movements: the first two separated by the election of the consular tribunes, followed by the opening of the quarrel over the projected migration to Veii (5.24.1-25.3); the second two by the account of the siege and capture of Falerii (5.26-27). This treatment of the story is especially striking in that it runs counter to Livy's usual method, which is to conflate different episodes in a story so as to create a unity of time and place.[34] The result is to make the question of the fulfilment of the religious duty pervade the whole section, and to invite us to see relationships between it and the intervening episodes. The juxtaposition of the Roman quarrels with the exemplary behaviour of Camillus towards the people of Falerii is especially important — here, as with his scrupulousness over the vow, a contrast is set up with the rest of the Roman people, whose behaviour is somewhat less than perfect. A similar contrast may be seen in Livy's treatment of the piety of the Liparan leader Timasitheus, who helps the Roman envoys on their way to convey the gift to Delphi (5.28.2-5): the same story appears in Diodorus 14.93.4 and Plutarch *Camillus* 8.6-8, but Livy adds that Timasitheus is 'Romanis vir similior quam suis'. This is the stereotype of the pious Roman, but in a book where the failure of Roman piety is such a prominent theme, the implied comparison is more pointed — a foreign pirate is being more Roman than the Romans.[35]

The question of the move to Veii is now reopened, and is opposed by Camillus more openly than before, and opposed almost entirely for religious reasons (5.30.1-3). This obviously foreshadows the end of the book, where the same situation appears at far greater length: here, as there, it is effective, convincing the Senate, who in turn persuade the people not to go ahead with the migration — and Livy especially refers to the fact that it was the appeal to their piety that moved them. We may once again contrast Plutarch who, as we have seen, has been treating Camillus as less infallibly pious — instead of opposing the issue directly, he evades it, apparently through fear rather than on religious grounds.[36]

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[34] K. Witte, "Über die Form der Darstellung in Livius Geschichtswerk", *RhM* 65 (1910), 359-68; T.J. Luce, "Design and Structure in Livy: 5.32-55", *TAPhA* 102 (1971), 283-4.

[35] Cf. Luce (1971), 269 on the way that the national characters of the Romans and the Gauls are reversed in the build-up to the Allia.

[36] *Camillus* 7.5: 'κἀκεῖνος ὀρροδῶν τὸν ἀγῶνα προφάσεις ἐνέβαλλε τῷ δήμῳ καὶ ἀσχολίας, δι' ὧν αἰεὶ τὸν νόμον ἐξέκρουεν'. This difference in emphasis in Plutarch is not because he fails to recognise that the proposed move has a religious dimension; when the subject recurs after the recapture of Rome, he has the senators opposing it on religious grounds (*Camillus* 31). Camillus' own speech there, however, has no such dimension (*Camillus* 32.1).

The success of the appeals to religion here gives the impression of a certain upturn in Roman piety; this impression is further reinforced by 5.31.2-3, in which the consuls hold games, fulfilling Camillus' vow made at 5.19.6, and in which Camillus himself dedicates a temple to Juno, as he had vowed at 5.21.3. After so much apparent religious decline this at first sight seems surprising. Yet, as was shown above, the siege of Veii began amid religious misconduct associated with discord: the misconduct was rectified, and Veii captured, but the discord, and hence the misconduct, broke out again. This is repeated here — no sooner do the Romans seem to have solved their problems, than the tide begins to turn against them once again, as the Gallic section proper begins, to which the chapters since the fall of Veii have formed an introduction.

In particular, the resentment of the people against Camillus is not resolved — he does not address them directly, but speaks only to the Senate: this provides one of the seeds of the disaster that is to come, and from now on, until the next turning point comes with the aftermath of the defeat at the Allia, all of the religious material will reflect this. The first signal comes with 5.31.6:

> C. Iulius censor decessit; in eius locum M. Cornelius suffectus — quae res postea religioni fuit quia eo lustro Roma est capta; nec deinde umquam in demortui locum censor sufficitur.[37]

This is followed closely by the mysterious warning of the arrival of the Gauls that is heard by M. Caedicius, but ignored by the magistrates (5.32.6-7), a story that is also told by Plutarch, *Camillus* 14 and *Fort.Rom.* 5, Zonaras 7.23, and Cicero, *Div.* 1.101 and 2.69.[38] The most striking respect in which Livy differs from these is in the reason that he gives for the ignoring of the warning: 'id ut fit *propter auctoris humilitatem* spretum et *quod longiqua eoque ignotior gens erat*' (5.32.7). This appears in no other source, but clearly ties closely in with the themes of the Livian narrative discussed above — the relation between the class struggle and the impiety is especially striking.

See further below, 199-201.

[37] This event also appears in Plutarch, *Camillus* 14.1, who, perhaps because he does not know the custom that is here explained, treats the death itself, rather than the appointment of a *suffectus*, as the ill omen.

[38] Cicero's version is slightly different from the others, in that the man who recounted the prophecy is not mentioned, and the warning does not refer to the Gauls, but simply advises fortification of the city.

The same thing can be seen in the episode that immediately succeeds this: the exile of Camillus (5.32.7-9), which has been foreshadowed for some time in the growing resentment of the commons over the spoil from Veii:

> neque deorum modo monita ingruente fato spreta, sed humanam quoque opem, quae una erat, M. Furium ab urbe amovere. qui ... in exilium abiit, precatus ab dis immortalibus si innoxio sibi ea iniuria fieret, primo quoque tempore desiderium sui civitati ingratae facerent.

It has already been pointed out that Livy absolves Camillus from any question of misconduct over his initial handling of the spoil from Veii, and here, too, he seems to be anxious that he should retain our sympathy. Unlike Dionysius[39] and Plutarch,[40] he does not explicitly say that Camillus' prayer was answered. This is no doubt due to his characteristic reticence on the question of the supernatural, but may also be in order to retain the ominous sense of the narrative while playing down the idea that Camillus might have acted against the best interests of his country. Certainly there is no hint of the idea given some prominence in other sources, that Camillus' prayer was made in anger, and that he regretted its result.[41]

In the next section of the book, leading up to the Allia, the religious material, as has been said, is entirely against the Romans. The only people who show any piety are the Gauls: at 5.34.3 the king of the Gauls sends his surplus population 'in quas di dedissent auguriis sedes', as a result of which 'in Italiam viam di dabant' (5.34.4). At 5.34.7-8, concerning the arrival of the Massilienses, we are told: 'religio etiam tenuit quod allatum est advenas quaerentes agrum ab Salvum gente oppugnari ... id Galli fortunae suae omen rati'. Immediately after this there is another omen (5.34.9): 'cum in quo consederant agrum Insubrium appellari audissent cognominem Insubribus pago Aeduorum, ibi omen sequentes loci condidere urbem'. The stress that is placed on this aspect of the Gauls' behaviour — a detail all but unique to Livy[42] — suggests that, apart from the general implication of 5.34.4 that

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[39] 13.6.1: 'ὑπήκουσαν δὲ αὐτοῦ ταῖς εὐχαῖς οἱ θεοί'.

[40] *Camillus* 13.2: 'οὐδεὶς δ' ἐστὶ Ῥωμαίων, ὃς οὐ νομίζει τὰς εὐχὰς τοῦ Καμίλλου ταχὺ τὴν Δίκην ὑπολαβεῖν'.

[41] Anger: 'πρὸς ὀργήν' (Plutarch, *Camillus* 12.3). Regret: 'γενέσθαι τιμωρίαν αὐτῷ τῆς ἀδικίας οὐκ ἡδεῖαν, ἀλλ' ἀνιαράν, ὀνομαστὴν δὲ καὶ περιβόητον' (Plutarch, *Camillus* 13.2). The comparison with Achilles at Plutarch, *Camillus* 13.1, and Appian, *Ital.* 8.2, is also significant here; see Stübler (1941), 56. Cf. also Camillus' later expression of regret at Dionysius 13.6.3-4 and Appian, *Gall.* 5.

[42] Of other sources only Florus 1.7.1-3 mentions Gallic piety at this point in the story, and he may be basing his account on Livy himself.

their arrival is due to the gods' desire to punish the Romans, a specific contrast is being made between their piety and the Romans' impiety in this section.[43] The two chief indications of Roman impiety are first, at 5.35.4-36.11, the taking up of arms by the Fabii when on an embassy, an act 'contra ius gentium' (5.36.6), followed by the Roman whitewashing of the affair; and secondly the consular tribunes' failure to take the auspices before the Allia (5.38.1).[44]

On the embassy of the Fabii, it is especially noteworthy that Livy slants his narrative in order to stress the equal guilt of all parties, unlike Plutarch, *Camillus* 18.1-3 and Diodorus 14.113.6-7, who lay all the blame on the plebeians (and in Diodorus' case the Fabii's father). We may also observe Livy's omission of Plutarch's story (*Camillus* 18.1) that the fetials recommended that the Fabii be surrendered — for Livy religious decline must be total.[45] Moreover, Diodorus 14.113.4 and Dio fr.24.1-2 both seem partly to excuse the Fabii's actions: the former has the battle starting before they even arrive, while the latter implies that the aggression came from the people of Clusium, and the Fabii simply became caught up in it. In Livy, by contrast, who started the battle is left unclear by the use of the passive construction ('accensis utrimque animis ad arma discurritur et proelium conseritur' (5.36.5)) — the stress is on the unlawfulness of the Fabii's part in it.

The Allia forms the first peripeteia of this half of the book; after it, the Romans once again act morally, and so the way is prepared for recovery.[46] Luce stresses the suddenness of the reversal — the theme of impiety completely vanishes — and regards this as demonstrating that Livy's interest in it is as a structuring device, since the probability of such a change is remote. That it is employed for structural purposes is undeniable, but it is also more closely related than Luce allows to the general political background. Luce regards not only the recovery, but also the decline, as sudden, unexplained and absolute;[47] as we have seen, however, the latter is closely linked to the political state of Rome, and especially to the *concordia ordinum*. The idea that in time of crisis the Senate and People resolve their differences, at least temporarily, and work as one, is a recurrent theme in Livy:[48] while not explicitly commented on here, it is certainly the case that

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[43] Cf. the argument of Luce (1971), 269 that the national characters of the Gauls and Romans are reversed here; see in particular 5.36.1: 'mitis legatio, ni praeferoces legatos Gallisque magis quam Romanis similes habuisset'.

[44] Ogilvie (1965), 716; Liebeschuetz (1967), 50; Luce (1971), 273-5, 277.

[45] On both of these points see the excellent discussion of Luce (1971), 273-4.

[46] Stübler (1941), 65-7; Liebeschuetz (1967), 50; Luce (1971), 268-73.

[47] Luce (1971), 269.

[48] E.g. 2.63.2-3, 3.10.7-8, 3.17.10-12, 4.17.7.

the first sign of their new state of mind appears in their unified action (5.39.9-13), and it seems likely that Livy would have regarded this as the natural result of the unprecedented threat. The pattern of the book would then suggest that piety would follow. The very suddenness of the change, indeed, can be seen in this respect as emphasising the magnitude of the crisis, rather than simply being a device around which the book is structured.

The new-found Roman piety is first seen at 5.39.10-12, where it is decided to retire to the Capitol, while the sacred objects are to be rescued from the city, 'nec ante deseri cultum deorum quam non superessent qui colerent' (5.39.11). This plan is carried out at 5.40.7-10, where L. Albinius aids them, giving them a place in his cart — this famous story appears virtually unchanged in Valerius Maximus 1.1.10 and Plutarch *Camillus* 20-21. However, a version of it also appears on an inscription from the Forum Augustum (*ILS* 51), and in this Albinius' part is significantly expanded: he is said both to ensure the continuation of the rites at Caere, and to have returned the Vestals and the sacred images to Rome afterwards. Neither point is in Livy, which might suggest that he is playing down indications of Albinius' piety. However, as Luce points out, it is hard to see in Livy's version what Albinius could have done to ensure that the rites continued; he further argues that the Albinius elogium, and indeed others in the Forum Augustum, are not only independent of Livy, but are deliberately seeking to correct him.[49] We have hence no reason to suppose that Livy is downplaying Roman piety here.

Additional support for this comes from the one aspect of the story is unique to Livy:[50] the religious significance that he gives to the Capitol itself — he refers to it as the 'sedes deorum' (5.39.12). This is no doubt because, as a Roman, he was more sensitive than was Plutarch, for example, to the significance of the place in Roman religion;[51] moreover, the introduction of this theme here foreshadows its importance in Camillus' appeal to the people at the end of the book.

The next sign of piety comes with the self-sacrifice of the senators (5.41); this is given a specifically religious dimension by 5.41.3: 'sunt qui M. Folio pontifice maximo praefante carmen devovisse eos se pro patria Quiritibusque

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[49] T.J. Luce, "Livy, Augustus, and the Forum Augustum", in *Between Republic and Empire: Interpretations of Augustus and his Principate*, ed. K.A. Raaflaub and M. Toher (Berkeley &c., 1990), 123-38, esp. 130-7.

[50] Apart from Florus 1.7.13: 'iuventus vero ... arcem Capitolini montis insedit, obtestata ipsum quasi praesentem Iovem, ut quem ad modum ipsi ad defendendum templum eius concurrissent, ita ille virtutem eorum numine suo tueretur'. As before, however, Florus may well be deriving the idea from Livy himself.

[51] See G. Dumézil, *La religion romaine archaïque* (2nd ed., Paris, 1974), 295-6 and below, 207.

Romanis tradant'. The implication of this is that a ceremony of *devotio* is taking place:[52] the self-sacrifice is an act of expiation. As such, it contributes to the sense of the revival of Roman values, and, in addition, looks forward to the return of the gods' favour and the ultimate Roman victory.

This interpretation of the passage is denied by Ogilvie;[53] he refers to the fact that Livy only gives the story as a variant, and says:

> L. minimised the role of *devotio* ... and instead paints a secular picture of old men stoically awaiting their end ... For Livy the whole tale is not a religious act but an example of Roman *virtus*.

However, Ogilvie overlooks the fact that had Livy actually been 'minimising' the religious aspect of the story, he could have omitted it altogether. As it is, he includes it — only as a variant, it is true, but it is a variant which contradicts nothing in the main account, and so cannot be held to be substantially diminished in force: the 'sunt qui ... tradunt' does little more than is done by Livy's usual habit of putting supernatural events in *oratio obliqua* to distance himself from vouching for their existence or, as in this case, their efficacy. Moreover, Ogilvie has failed to notice the religious overtones of the picture of the senators as they appear to the Gauls (5.41.8):

> adeo haud secus quam venerabundi intuebantur in aedium vestibulis sedentes viros, praeter ornatum habitumque humano augustiorem, maiestate etiam quam vultus gravitasque oris prae se ferebat simillimos dis.

The idea that the 'victim' of *devotio* acquires a quasi-divine status is found elsewhere. When P. Decius Mus devotes himself at 8.9.10, Livy describes him in the following terms:

> conspectus ab utraque acie, aliquanto augustior humano visu, sicut caelo missus piaculum omnis deorum irae qui pestem ab suis aversam in hostes ferret.

The similarity of the phrasing of this passage to the one in Book 5 is striking, and the implication in both cases is the same: the 'victim' takes on

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[52] See Stübler (1941), 66; for the *devotio* ritual see G. Wissowa, *Religion und Kultus der Römer* (2nd ed., Munich, 1912), 384, and above all H.S. Versnel, "Self-Sacrifice, Compensation and the Anonymous Gods", in *Le sacrifice dans l'antiquité*, Entretiens de la Fondation Hardt 27 (1980), 135-85.

[53] Ogilvie (1965), 725.

the attributes of a god who, by his death, will bring divine favour on the Romans.[54]

The first sign of this favour comes at 5.43.8, where the story returns to Camillus for the first time since his exile. This is significant in itself, since Camillus has previously been presented as the one man who is capable of saving Rome.[55] In addition his reappearance is given a religious colouring, when he is described as persuading the Ardeans to aid Rome 'nec secus quam divino spiritu tactus'. The tide is now turning against the Gauls for the first time, and Livy's account contains this clear hint that this is the gods at work — a hint which is absent from Plutarch's otherwise similar account (*Camillus* 23).

Before this bears further fruit, however, we are returned to examples of Roman piety. At 5.46.2-3 C. Fabius Dorsuo slips off the Capitol in order to perform a religious ceremony, and then returns having done it. This story does not appear in Plutarch, but is found in Valerius Maximus 1.1.11, Florus 1.7.16, Appian, *Gall.* 6[56] and Dio fr.24.6-7, all of whom tell it with little change from Livy, except in their treatment of the connection between this piety and the gods' eventual help. Valerius Maximus and Dio have nothing to say on the subject. Appian looks at it purely from a personal point of view — the only help that is obtained is that the Gauls may have spared his life out of respect: 'αἰδεσθέντων ἢ καταπλαγέντων αὐτοῦ τὴν τόλμαν ἢ τὴν εὐσέβειαν ἢ τὴν ὄψιν ἱερὰν οὖσαν', and the moral is drawn that 'ὁ μὲν δὴ κινδυνεύειν ὑπὲρ τῶν ἱερῶν ἑλόμενος ὑπ' αὐτῶν ἐσώζετο τῶν ἱερῶν'. Florus, on the other hand, sees it from the point of view of the state as a whole: he has Fabius not just performing the ceremony, but bringing back good news for Rome.[57] Livy, however, is less clear than either Appian or Florus. After Fabius has performed the sacrifice, Livy says (5.46.3):

> satis sperans propitios esse deos quorum cultum ne mortis quidem metu prohibitus deseruisset, in Capitolium ad suos rediit, seu attonitis Gallis miraculo audaciae seu religione etiam motis.

The alternative explanations for the Gauls' behaviour are the same as in Appian, possibly suggesting that Hemina is their common source. The more

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[54] See Versnel (1980), 151-2, and especially his discussion of the meaning of 'augustus' in this context; compare my discussion of the Decius episode below, 220-3.

[55] 5.32.7: 'humanam quoque opem, *quae una erat*, M. Furium ab urbe amovere'.

[56] Citing Cassius Hemina (fr. 19P).

[57] 'ille per media hostium tela incolumis religionis auxilio redit propitiosque deos renuntiavit'.

specific moral of the gods' personal protection for Fabius, however, is absent in Livy: nor does he explicitly state, like Florus, that their aid to Rome is at hand. The one thing that is said is that Fabius believed that 'propitios esse deos' since he performed the appropriate rites: whether this means 'propitious to himself' or 'to the state' is not made clear. The result is that we can interpret the story either way: we can see Fabius gaining the reward for his piety, but we are also invited to look ahead and take this episode as another indication of ultimate Roman success.

The other indication of Roman piety that we find in this section is at 5.46.11, where Camillus, on the interpretation that Livy says he prefers, insists on having proper constitutional authority to take up command, because 'nec iniussu populi mutari finibus posset nec nisi dictator dictus auspicia in exercitu habere'. The episode appears also in Valerius Maximus 4.1.2, Plutarch, *Camillus* 24.3-4 and Dio fr.24.8, in all of whom, however, the religious dimension, that a general could not properly take the auspices without legally being in possession of *imperium*,[58] is absent. This demonstrates once again how Livy goes out of his way in this book to give religious significance to events; it also ties in with the failure of the generals to take the auspices before the Allia (above, 194) — Livy is showing how complete a reverse has taken place in Roman attitudes.[59]

Divine aid may also be seen in the story that follows, about the geese that saved the Capitol by warning its defenders of the Gauls' attack (5.47.1-4). The story was a popular one, appearing in many other sources, including Diodorus 14.116.6, Dionysius 13.7.3, Plutarch, *Camillus* 27.1-3 and *Fort. Rom.* 12, Servius auct., *ad Aen.* 8.652.[60] Of these, however, relatively little is included of a religious nature, beyond the fact, mentioned by them all, that the geese were sacred to Juno. Servius refers to the honours that were subsequently paid to them, and Plutarch in *Fort. Rom.* treats it as an example of Roman τύχη, but any religious aspect of the story is otherwise omitted. Livy, however, refers to the piety of the Romans in keeping the geese alive at all: 'anseres non fefellere quibus sacris Iunonis in summa inopia cibi tamen abstinebatur. quae res saluti fuit' (5.47.3). This point is

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[58] See Wissowa (1912), 386-7.

[59] Cf. Luce (1971), 273-5 on the way that Livy contrasts Roman behaviour before and after the catastrophe.

[60] It has been suggested that there are also traces of a tradition in which the Capitol is actually captured — see O. Skutsch, *Studia Enniana* (London, 1968), 138-42; "The Fall of the Capitol Again: Tacitus *Ann.* 11.23", *JRS* 68 (1978), 93-4; N. Horsfall, "From History to Legend: M. Manlius and the Geese", *CJ* 76 (1980-81), 298-311; *contra* T.J. Cornell, "The *Annals* of Quintus Ennius", *JRS* 76 (1986), 247-8. If so, Livy's avoidance of this version may be significant — it suited his purposes far better to allow the greatest possible success to the now-pious Romans. See also my discussion below of Camillus' miraculous rescuing of Rome.

made by no other writer — indeed, Plutarch, *Camillus* 27.2-3 makes exactly the contrary point: that lack of food had led to the Romans' starving the geese, and so keeping them awake. Only Livy points to the act of piety involved, and then, indeed, goes on to connect it directly with the fortunate result. Livy, moreover, concludes the story of the Gallic sack with an account of a rescue by Camillus which, once again, he uniquely connects with divine aid, saying 'dique et homines prohibuere redemptos vivere Romanos' (5.49.1), and 'iam deorum opes humanaque consilia rem Romanam adiuvabant' — a particularly significant move on Livy's part, since the whole idea of the rescue is probably his own invention,[61] and this demonstrates once again the importance that he is allotting to giving a religious dimension to the narrative.

The recapture of Rome and the defeat of the Gauls forms the second peripeteia of this part of the book;[62] everything after it is there to round off the themes of the story and bring them to a satisfactory conclusion. The importance of the religious side to the story is once again shown by the fact that it is religious actions which are emphasised above all. Camillus, as befits the 'diligentissimus religionum cultor' (5.50.1), rededicates the religious buildings that had been in Gallic hands (5.50.2),[63] arranges for formal thanks to be paid to the people of Caere for their protection of the priests and sacred objects (5.50.3), proclaims games of thanksgiving to Capitoline Jupiter for protecting the city (5.50.4), builds a shrine to Aius Locutius to expiate the voice that warned of the Gauls' arrival (5.50.5), and dedicates the recovered ransom gold to Jupiter (5.50.6-8). While there are one or two references to these events in other writers,[64] no one but Livy brings them together and describes them in such detail: Plutarch, *Camillus* 30.3-4 is the only other source to recount the expiations after the recapture of Rome, and he only mentions the return of the priests from Caere and the temple to Aius Locutius, along with a perfunctory reference to sacrifices, purifications and rebuilding of temples.

Yet even more significant is the great speech of Camillus with which the book ends, which can be seen to be rounding off not only the theme of religious piety but also the related theme of political discord, and doing so in such a way as to provide a conclusion not just to the Gallic section, but the whole book, and even in certain respects to the whole pentad. The

[61] Luce (1971), 292-7.

[62] Luce (1971), 268-9.

[63] This theme is one that Livy has mentioned before — at 5.41.4 he shows the Gauls looking round in admiration at the Roman temples, while at 5.49.3 he shows Camillus inspiring his troops for battle by pointing to the shrines of their gods.

[64] E.g. Cicero, *Div.* 1.101 mentions the dedicating of the shrine to Aius Locutius.

political side can be seen in the reason for the speech: it is delivered in order to combat the proposal for a settlement at Veii, a proposal which was one of the causes of discord between Camillus and the tribunes earlier in the book (5.24-5). The discord between patricians and plebeians that has formed a good deal of the subject-matter of the three previous books is not itself mentioned by Camillus, but his exile, which has been the chief example of civil discord in this book, is recalled by him in tones of regret,[65] and by their accepting of his arguments at the end of the book, the people can be seen as healing the breach between the classes, at least for the moment, by their reconciliation with the patricians' greatest representative.

The major part of the speech, however, is devoted to religion; and it is worth looking at the arguments in more detail in order to see the use to which Livy is putting it and the significance that he allots to it. He begins by reminding the people of the aid that Rome received from the gods against the Gauls, and concludes that piety therefore has been proved to be of the greatest importance.[66] He then goes on to apply this moral to the events of the book as a whole: he argues that victory over Veii only came through Roman piety in obeying divine instructions to drain the Alban Lake (5.51.5-6), and that defeat from the Gauls came because of the neglect of the divine voice and the impiety of the ambassadors at Clusium (5.51.7), while victory was given to Rome because in defeat she piously observed the religious rites and protected her religious artefacts (5.51.8-10). This moral to Book 5 confirms and reinforces the interpretation of events which has been argued for in the course of this chapter: that we are intended throughout the book to see the success and failure of Rome in terms of morality, and especially in terms of religious morality. It moreover binds the two halves of the book together by explicitly inviting us to compare the respective behaviour and fortunes of the Romans, the Veians, and the Gauls, and to contrast the fall of Veii and that of Rome.

Camillus then moves to an application of this to the case under discussion, arguing that to migrate to Veii would, equally, be a breach of religious duty. In order to demonstrate this, he contrasts the proposed move not only with the piety that the Romans had just been showing (5.52.3-4, 5.52.9-12), but more widely with Roman religion and Roman religious destiny as a whole. He speaks of the rites that could only take place within the city (5.52.2, 5.52.5-7, 5.52.13-17); even more significantly, he refers to a number of

[65] E.g. 5.51.1-2, 5.54.3.

[66] See 5.51.3: 'victoribus Gallis capta tota urbe Capitolium tamen atque arcem dique et homines Romani tenuerint et habitaverint'; and 5.51.4: 'equidem si nobis cum urbe simul conditae traditaeque per manus religiones nullae erant, tamen tam evidens numen hac tempestate rebus adfuit Romanis ut omnem neglegentiam divini cultus exemptam hominibus putem'.

stories associated with the foundation of the city and the early establishment of its religious ritual. At 5.52.2 he reminds us 'urbem auspicato inaugurato conditam habemus' (the reference is to 1.6.4-7.2).[67] 5.52.7 mentions the rites of Vesta and the *ancilia* of Mars Gradivus, founded by Numa at 1.20.3, while 5.52.13 refers to the *flamen dialis*, an office also created by Numa (1.20.1-2). All this is doubtless connected with Camillus' status as the 'second founder of Rome' (5.49.7) — it is appropriate that he should be contrasted here with its first founders and its early origins. Even more important is the fact that this makes the speech into an appropriate conclusion, not only of the book, but of the pentad as a whole, by reminding us of the beginning of the story, and reminding us in terms of religion, something both important in itself and extremely suited to the context of this last book, in which, as we have seen, it plays such a major role.

The final feature of Camillus' speech that should be mentioned is the promise that it offers of Rome's future greatness. The reference to Vesta at 5.52.7 says 'quid de aeternis Vestae ignibus signoque quod imperii pignus custodia eius templi tenetur loquar?' The fact of the statue in the temple being a 'pignus imperii' has not previously been mentioned by Livy, but, brought in here, it goes further towards providing a satisfactory conclusion, by offering a hint of a prophecy that the reader knows is to be fulfilled by Livy's own day. The same thing applies even more emphatically to the close of the speech, which at some length and in emotional language refers to the natural advantages of the site of Rome, 'ad incrementum urbis natum unice locum' (5.54.4): the place is given a religious dimension by speaking of 'di hominesque' who chose it — yet another divine guarantee of the future. Finally, we are reminded of the most explicit such prophecy in the whole pentad (5.54.7), the omens at the rebuilding of the Capitol at 1.55.3-6, when the fact that Terminus' shrine was not removed is held 'firma stabiliaque cuncta portendere', and the head that is discovered in the foundations 'haud per ambages arcem eam imperii caputque rerum fore portendebat'. Once again, we can see religion being employed for structural purposes, rounding off the first five books into a satisfying unit.

Once the speech has ended, there is only a short coda before the book reaches its conclusion: in view of what has been said, it is no surprise to find that 'movisse eos Camillus cum alia oratione, tum ea quae ad religiones pertinebat maxime dicitur'. In addition, Livy includes an omen, of a centurion's chance comment in the *comitium* 'hic manebimus optime': this reinforces the prophetic reminders of the last part of Camillus' speech, and

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[67] The phrase also picks up Ennius *Annals* 155Sk.=502V., apparently also taken from a speech of Camillus: 'augusto augurio postquam incluta condita Roma est'. See O. Skutsch, *The Annals of Quintus Ennius* (Oxford, 1985), 314-5.

has a similar effect. He omits, on the other hand, the story found in Plutarch, *Camillus* 32.6-8, that there was great difficulty in restoring the religious sites when rebuilding Rome, but that, while doing so, the *lituus* of Romulus was discovered, and this was taken as a good omen. Livy's reasons for leaving this out are presumably that to refer to the difficulty in restoring religious sites, or to speak of the discovery of a religious object, would run counter to the impression that has been given by Camillus' speech that the most important parts of Roman religious life had been saved from ruin, and, in particular, that Roman piety had saved the religious artefacts.[68] Roman piety from the Allia onward is to be seen as flawless,[69] and is not to be undermined, even for the sake of including another optimistic omen.

Conclusion

The main feature of religion in Book 5 is the familiar point of *centrality*: few parts do not contain religious material, or, at the very least, are without religious overtones. This has the important consequence that little religious material is omitted. This contrasts with Livy's technique in the other books that we have examined: indeed, here he even adds it where it is not found in his sources. We should note in particular the widespread use of 'casual' religious language — religious expressions that occur, especially in speeches, both direct and reported, but which have no direct bearing on the story.[70] Such language may be presumed to be entirely a Livian invention, and again demonstrates his omnipresent stress on religion in the book. And this centrality of religion is not merely due to tradition: Livy has time and again played up religious aspects that are present in no other version.

But the most significant point is that, despite the fact that he is including more religious material than ever before, it is remarkably *coherent*. One can virtually compile a complete sub-text underlying the story, whereby the action precisely mirrors at every point an implied picture of Roman morality, Roman religious behaviour, and its consequences for Roman success and failure. This has already been shown to be the case for the later decades: this is the first time in the work, however, that Livy has done it. True, in the earlier books we have seen Livy moving towards such a view of religion

[68] This is overlooked by Hubaux (1958), 89-92, who attributes the absence of the story to the ambiguous treatment of Romulus in Book 1. This explanation seems dubious in view of the deliberate comparisons between Romulus and Camillus in this part of the book — see 5.49.7 and above, 200-1.

[69] Luce (1971), 270, 275. See also my discussion above, 195.

[70] E.g. 5.11.14, 5.11.16, 5.12.1, 5.18.3, 5.20.3, 5.23.3, 5.24.11, 5.41.4, 5.43.7, 5.49.5.

in general: after the first book, where its effects are often rather different, the religious material has tended to relate Roman morality, the favour of the gods, and Roman success. However, this has not consistently been the case; and, even when these basic premises do remain constant, there has been relatively little in the way of an overall religious picture that is mirroring the main text. Each religious story, each inclusion or omission of a religious theme, stands on its own: it may help the work's structure, but only indirectly, via its effect on the non-religious episode of which it forms a part. Book 5 is the first place where religion itself forms a coherent overall theme.

When a theme is central, it is naturally easier to turn it into something coherent than when it is in the background. But this still serves to highlight the contrast with the later books, where Livy does precisely succeed in making a coherent whole out of the relatively infrequent appearances of religious material. The reason that he could do so there is at least in part due to the appearance of regular prodigy lists, which by their very regularity were amenable to systematic manipulation. While one can see Book 5 as a turning point for religion in Livy, in that it for the first time becomes a coherent theme over an extended structure, it is only through its centrality that this is possible. The real revolution comes later, where Livy is able to give coherent religious overtones to a story in which religion is ostensibly playing little part.

CHAPTER SEVEN

THE SECOND PENTAD

Of all the sections of Livy's work, the Second Pentad is perhaps the one where it is hardest to separate off his personal input with any certainty. The comparative material of the First Pentad is mostly lacking: the only substantial continuous narrative is the tail end of Plutarch's life of Camillus, while only a few individual stories are found in other writers. Nor do we have the regularities of the annalistic material that we find in the later decades; reports of prodigies are still intermittent until the very end of the period. One can still attempt to examine his treatment of religious material and to relate it to other significant features of his account, and, certainly, the general slant of his account may be visible and suggestive. But one is working with less hard evidence, and some important omissions or additions may go unnoticed.

1. Book 6

The focus of attention in Book 6 is the renewal of civil strife between the patricians and plebeians;[1] this topic forms the centre of the two chief climaxes of the book, namely the condemnation of Manlius Capitolinus (6.11-20) and the passing of the Licinio-Sextian laws (6.34-42). Both of these have religious dimensions that will be considered in more detail below; what will be discussed first is the part that is played by the opening chapters of the book in the development of this theme.

Livy begins by describing the measures taken to restore Rome both in her civil institutions and in her military standing,[2] and continues the mood of the end of Book 5 by stressing the religious aspects of the political restoration.[3] Thus Q. Fabius, who had precipitated the Gallic war by fighting 'contra ius gentium' while on an embassy (above, 194), is

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[1] J.P. Lipovsky, *A Historiographical Study of Livy* (New York, 1981), 32-3.

[2] E. Burck, "Aktuelle Probleme der Livius-Interpretation", *Gymnasium Beihefte* 4 (1964), 28.

[3] See in particular 6.1.9: 'nulla de re prius quam de religionibus senatum consuluere'.

prosecuted (6.1.5); after Camillus has fought successfully against the Etruscans he dedicates the spoil to Juno (6.4.3), who, as was seen in the last chapter, was presented as instrumental in the victory over the Gauls, while at 6.5.8 a temple is dedicated to Mars that had been vowed during the Gallic war. Also in this section is the declaration of certain days as *atri dies* (6.1.11-12): the 18th July (the anniversary of the Allia) and also all days following Ides, Nones and Kalends, since it was the day after the Ides of July that Sulpicius failed to take the necessary religious precautions before the Allia.[4]

This last measure, however, is prefixed by a religious act which shows the Roman state in a rather worse light. At 6.1.10 access of the common people to religious information was prevented by the *pontifices* 'maxime ut religione obstrictos haberent multitudinis animos'. This resembles the political analyses of religion given by Polybius 6.56.6-15, Cicero, *Div.* 2.70-1, and Livy himself at 1.19.4. The difference is that in those passages such political uses of religion are regarded as beneficial, fostering cohesion in the state.[5] Here, by contrast, the implications are far less positive. Much of the second half of the book is concerned with the access of the lower classes to institutions, including religious institutions, that had previously been the prerogative of the upper; this passage, short though it is, foreshadows the major political conflicts that are to come.

That the religious measures that are so prominent here have a negative side is also supported by 6.5.6: 'in civitate plena religionum, tunc etiam ab recenti clade superstitiosis principibus, ut renovarentur auspicia res ad interregnum rediit'. Here there is no direct indication that the fault implicit in 'superstitiosis' is connected with the class strife. It is worth, however,

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[4] 5.38.1; cf. above, 194. The question of *atri dies* is also discussed by Aulus Gellius (5.17, quoting Verrius Flaccus) and Macrobius (*Sat.* 1.16.21 = Cassius Hemina fr.20P = Cn. Gellius fr.25P), the wordings of which are close enough to one another to make it likely that Macrobius is drawing on Aulus Gellius, as he often does (L.D. Reynolds ed., *Texts and Transmissions* (Oxford, 1983), 176), or else that both accounts derive from a common source. Their chief difference from Livy is that they both regard the day after the Ides of July as the date of the battle, and believe that the *ater dies* of the 18 July commemorates the capture of the city. Livy's version is the commonest one (see *CIL* IX 4192 'Iul. 18 dies Alliensis'; cf. Cicero, *Att.* 9.5.2), but he may have additional reasons for selecting it: it lays more stress on Sulpicius' impiety, and so suits a context in which he is seeking to emphasise the Romans' attempt to rectify their previous faults.

[5] Livy suggests there that to use religion in this way is beneficial to the state only at a time when the people are still unsophisticated (above, 136-7); there is thus no contradiction between this and the idea that in more advanced times such practices are damaging. For the idea of progress that is implied by this compare 2.1.1-6, where Livy argues that it is only with Tarquin the Roman people were ready for liberty. The sense of historical change in Livy is discussed by T.J. Luce, *Livy: The Composition of His History* (Princeton, 1977), 232-49, and A. Heuss, "Zur inneren Zeitform bei Livius", in *Livius, Werk und Rezeption, Festschrift für E. Burck*, ed. E. Lefèvre and E. Olshausen (Munich, 1983), 175-215.

noting the context of the passage: it falls in the middle of a conflict over agrarian reform (6.5.1-5, 6.6.1), and the juxtaposition of hints of patrician religious excess and accusations of patrician oppression may be significant, especially in view of the fact that, as has been said, these themes are linked later in the book.

The story of Manlius Capitolinus' bid for power, as has been said, forms one of the two central political conflicts of the book. Moreover, it is an episode where a great deal of religious language is put into the mouths of Manlius and his supporters. Thus the centurion whom Manlius rescues from his creditors calls on the gods to bless him (6.14.5); then, when Manlius is taken off to prison at 6.16.2 he calls on Jupiter, Juno and Minerva, reminding them that he had guarded their temples on the Capitol. Manlius' supporters pick up the same theme at 6.17.4-5, recalling that Jupiter was all but snatched from the hands of the enemy by Manlius, and even linking Manlius to the god himself.[6] At 6.18.9 Manlius prays that the gods should give his supporters the spirit to protect him; finally, at his trial at 6.20.9-10 he repeatedly draws the attention of the hearers to the Capitol which he had defended, and prays for the gods there to aid him. This last move has such an effect that the people cannot be brought to condemn him until the place of the trial is changed to one from which the Capitol cannot be seen.[7]

Given Manlius' previous deeds, any writer might find it an obvious device to draw a contrast between them and his situation now. But in fact the other ancient sources make the religious side far less overt. Dionysius 14.4 has Manlius pointing to the Capitol and reminding his hearers of his exploits there, but does not refer to the gods, and in this he is followed by Plutarch, *Camillus* 36.6 and Zonaras 7.23. The emphasis laid by Livy on the specifically religious aspects of Manlius' story therefore must be seen as significant.

All this might lead one to think that Livy wishes to stress the impiety of the class conflict which has brought this great hero to such a pass. This, indeed, seems to be what is suggested by the story's aftermath at 6.20.15-16:

> pestilentia etiam brevi consecuta nullis occurrentibus tantae cladis causis ex Manliano supplicio magnae parti videri orta; violatum Capitolium esse sanguine servatoris nec dis cordi fuisse poenam eius oblatam prope oculis suis, a quo sua templa erepta e manibus hostium essent.

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[6] 6.17.5: 'quem prope caelestem, cognomine certe Capitolino Iovi parem fecerint eum pati vinctum in carcere'.

[7] This 'Capitolium' theme is central to Livy's presentation of the story: see 6.11.4, 6.14.4, 6.15.11, 6.16.2, 6.20.9-16. On it, and the way in which the *locus idem* paradox (20.12) governed the creation of the story, see T.P. Wiseman, "Topography and Rhetoric: The Trial of Manlius", *Historia* 28 (1979), 32-50.

It is true that this is not presented as Livy's own view, but that of Manlius' erstwhile supporters; nevertheless, it is the only interpretation offered, and might be thought to make sense in the light of Manlius' piety. On this interpretation, we are once again being presented with a religious theme underlying the class struggle. Manlius' piety shows the rightness of his cause, and the plague indicates the injustice of his condemnation.

Yet things are not so simple, for Livy is far from sympathetic to Manlius' behaviour. He describes him as 'nimius animi' (6.11.3) and 'vitio quoque ingenii vehemens et impotens' (6.11.6), shows him as envious of Camillus (6.11.4),[8] 'famae ... magnae malle quam bonae esse' (6.11.7), and practising demagogy (6.14.9).[9] Moreover, he points to Manlius' desire for kingship (6.18.16, 6.20.5), and believes that the evidence that led to his condemnation must have been overwhelming 'cum damnandi mora plebi non in causa sed in loco fuerit' (6.20.5). His final words on him are 'hunc exitum habuit vir, nisi in libera civitate natus esset, memorabilis' (6.20.14). All of this suggests that the relationship between the class struggle and the religious material in this section is not a straightforward one; the same conclusion may be drawn from the positive religious treatment of Manlius' opponent Cossus, who sacrifices to the gods at 6.12.7, obtaining favourable omens which he dwells on at some length in his speech which follows (6.12.8-9), and which is itself followed by the vindication of the omens with his victory over the Volscians (6.13).

One possible conclusion is that the religious material is intended to add to the moral complexity of the situation: although Manlius is rightly condemned, Livy makes it clear that the debt crisis to which he is responding is a genuine problem (6.11.8-9, 6.14.7, 6.20.6), and his piety perhaps reflects this, pointing to something disquieting underlying his condemnation. The plague, on this view, reflects the wrongs of the class struggle as a whole: indeed, the responsibilty for it might attach as much to Manlius himself as to those who condemned him — although it is they who make the connection between the conflict and the supernatural explicit, we cannot take the interpretation of his supporters entirely at face value. We have already seen in the Third Decade Livy using religion in order to explore problematic moral sides to figures like Marcellus and Scipio; and his treatment of Manlius may be taken as an early example of the same technique.

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[8] On the way in which Manlius is unfavourably compared by implication with Camillus see Burck (1964), 29-30; "Das Bild der Revolution bei römischen Historikern", *Gymnasium* 73 (1966), 99-100.

[9] On this, and the way in which accounts of the Catilinarian conspiracy have influenced Livy here, see Burck (1966), 95-9.

This is an attractive and plausible explanation, and may well form part of the answer. However, it is hard to see how Cossus' omens fit into this picture, especially given that they occur under unrelated circumstances; and indeed the appeals to religion by Manlius and his followers are so extensive that they seem to go beyond such considerations. Certainly, they raise questions about the justice of the patrician position, but they are also surely there for their emotional effect — this would explain why they are absent from the Greek historians, for whom the Roman gods would not have possessed the same emotional force.[10] Livy is heightening the emotional temperature of the section, and, no doubt, wishes to reinforce the contrast between Manlius' defence of the Capitol and his subsequent fall. Cossus' success with the gods, on the other hand, is more closely related to the restoration of Roman military power after the Allia, which is an important secondary theme in the book.[11] True, Livy does seek to link Cossus' campaign to his opposition to Manlius,[12] and the treatment of religion in that campaign is perhaps part of a tendency here to contrast implicitly the clarity of the issues abroad with the messy complexities at home.[13] At the same time, while the religious material may underpin such a contrast, it does so only by virtue of playing very different roles in the separate episodes. It is not easy to see it as forming part of a single coherent religious theme in its own right.

The next section of the book is at a lower emotional level, bridging the gap between the Manlius episode and the Licinio-Sextian laws. Here, it is Rome's battle against her external enemies that is in the foreground; as with Cossus earlier, the general tendency of the religious material is to reinforce the impression of Roman military superiority. Thus the enemies of Rome show impiety (6.29.1-2, 6.33.4-5), and are accordingly defeated;[14] the Romans, on the other hand, show only piety (e.g. 6.29.8-9, where the dictator Quinctius dedicates the spoils from Praeneste to the gods). It might be thought that 6.23.10-12 is an exception to this pattern. There Camillus, his advice to avoid battle overridden by his colleague, prays that he should not prove to have been right; but Livy informs us, 'nec a dis tam piae preces

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[10] Cf. Lipovsky (1981), 33-8 on the way that Livy creates tension in the Manlius episode, and so builds up to the book's first emotional climax; the use of religion also reflects this.

[11] Lipovsky (1981), 90-1.

[12] 6.12.1: 'dictator etsi maiorem dimicationem propositam domi quam foris cernebat, tamen, seu quia celeritate ad bellum opus erat, seu victoria triumphoque dictaturae ipsi vires se additurum ratus &c.'.

[13] I owe this suggestion to Christina Kraus.

[14] A Roman defeat comes at 6.30.2-7; however, Livy seems to be aiming to play it down — he allots little space to it, and further stresses that nothing came of it (6.30.7: 'apparuit nescire eos victoria et tempore uti').

auditae sunt' (6.23.12). In fact, piety is followed by victory here as elsewhere: the Romans are initially pushed back, but in the course of the battle Camillus rallies the troops, who turn and cut down the enemy (6.24). It is interesting, however, that Livy is using religious material here at least in part to confound our expectations: we expect that the failure of the gods to answer Camillus' prayer will bring about a Roman defeat, rather than merely a temporary rout — compare his similar prayer before Veii at 5.21.14-16, which this echoes, and which did foreshadow a Roman defeat. This too perhaps points to Livy's being more concerned here than in the previous book with short-term effects rather than the larger picture; the ability of religion to foreshadow later events is undermined if one cannot be sure that the expected results will follow.

Internal politics are comparatively unimportant here; it is worth, however, noting 6.27.4-5, where religious scruples prevent first the appointment of a *censor suffectus*, then the election of a new pair of censors. The tribunes accuse the patricians of deliberately preventing the election in order that the level of the debt crisis should not be investigated (6.27.6-8). Once again we can see religious matters juxtaposed with the class strife, and, more significantly, linked to it by implication — the unspoken accusation of the tribunes is that the patricians are abusing their control of the religious institutions; as before, this is perhaps pointing forward to the end of the book, where this issue assumes greater importance.

Livy's account of the Licinio-Sextian laws is notoriously confused: on his own showing they cannot have been passed for the reasons he claims, since there were no consuls at this time, and the plebeians had access to the consular tribuneship anyway — indeed, at 4.6.8 he has presented this as the *raison d'être* of the latter office (though 4.7.2 offers another explanation).[15] The confusion, however, does not extend to the religious aspects of the reforms: throughout his work so far he has made it consistently clear that the patricians regarded control of religious rites as their prerogative.[16]

The religious centre of the section comes at 6.41.4-10, at the climax of the speech of Appius Claudius Crassus opposing the opening of the consulship to plebeians. He argues that only the patricians can be consuls, because only patricians can take and be properly elected under the auspices; if plebeian magistrates were to be elected, he says, the state would be deprived of the auspices, and religion would go to rack and ruin. To this speech no response is given; the implication is that Appius, if not right, has at the very

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[15] For an analysis of the confusion of Livy's account and suggestions of possible explanations see K. von Fritz, "The Reorganisation of the Roman Government in 366 B.C. and the So-Called Licinio-Sextian Laws", *Historia* 1 (1950), 3-44.

[16] E.g. 4.6.2-3; cf. above, 169-70.

least laid down a challenge: is the new measure — which, Livy makes clear, is going to be passed regardless of what Appius does[17] — going to cause the damage he implies? It is true that Appius speaks with a partisan arrogance, and that this undermines the force of what he says;[18] nevertheless, his specific religious charges remain unanswered. Lipovsky suggests that this challenge sets a theme for subsequent books;[19] this may be correct, but it is also worth pointing to two details in the narrative here that hint that the plebeians' right to religious power will eventually be confirmed. The first is the resignation of Camillus at 6.38.9-12, just as he is about to use his power as dictator to block Licinius' and Sextius' proposals. The two alternative reasons presented by Livy for the resignation are first, that he was prevented from acting by a measure of the tribunes: this is the version used by Plutarch, *Camillus* 39.4, but is rejected by Livy. The other version, which he prefers (6.38.10), is that the auspices of his election were bad — this may be simply a further sign of divine displeasure at the class strife, but may also suggest that the gods are preventing him from thwarting the proposed measure.

The second hint is that, just after Appius' speech, a measure is passed that the *duumviri* who oversaw the Sibylline Books should be replaced by *decemviri*, five of whom should be plebeian (6.42.2); the proposal had originally been made at 6.37.12. This is explicitly stated by Livy to be a step on the road to the consulship:[20] it suggests that plebeians can be proper users of religious power, especially since there are no immediate disasters for the state — the next thing we are told is that 'praeter Velitrarum obsidionem, tardi magis rem exitus quam dubii, quietae externae res Romanis essent' (6.42.4).

The final religious event of the book is the reconciliation of plebeians and patricians with which it concludes, a reconciliation marked by the thanking of the gods by a celebration of *ludi maximi*, to which an extra day is added — all this at patrician expense (6.42.12-13). This reconciliation is also

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17 6.40.1: 'Claudius ... dicitur odio magis iraque quam spe ad dissuadendum processisse'; 6.42.1: 'oratio Appi ad id modo valuit ut tempus rogationum iubendarum proferretur'.

18 See Lipovsky (1981), 41-2, 46; the contrast between Appius' claim to be non-partisan (6.40.3-6) and his intemperate and scornful attitude towards the plebeians is particularly striking. On the theme of the arrogant, anti-plebeian Claudii see T.P. Wiseman, *Clio's Cosmetics: Three Studies in Greco-Roman Literature* (Leicester &c., 1979), 57-139; on this Claudius in particular see Wiseman (1979), 84-5, though he regards Livy's portrait of him as representative of the 'favourable tradition', failing to see that the context of the class conflict in this book makes his speech suspect as well.

19 Lipovsky (1981), 41-2. Note also the parallels between this section and the debate over the Ogulnian Law at the beginning of Book 10 — there is a case for seeing Decius' speech on that occasion as a response to the one here. See further below, 233.

20 6.42.2: 'Graduque eo iam via facta ad consulatum videbatur'.

described in Plutarch, *Camillus* 42.4-6 and Ovid, *Fasti* 1.641-4: in both of these, however, its chief feature is Camillus' vowing of the temple of Concord, which is not mentioned in Livy. Why, then, is this important feature omitted here?

One possibility is that Camillus, in view of his factionalism earlier in the book, would be an inappropriate figure around whom to centre the restoration of concord. This is at best a partial solution. Apart from anything else, Livy was not obliged to associate the dedication of the temple with Camillus, but could have treated it as a communal act: even in Plutarch, while it is Camillus who vows the temple, it is the people who vote it through.[21]

Far more likely is that Livy does not wish to place too much emphasis on the reconciliation, as it is only a partial and temporary restoration of order. In particular, the end of the book is rushed and perfunctory in general; a conflict which has taken several chapters to describe is patched up in less than a page. Moreover, Book 7 almost immediately shows the conflict renewed.[22] This suggests that in general Livy does not intend to make too much of the concord, and it would therefore seem out of place to have a reference to the temple, with its concrete suggestion that the issues separating the two sides have really been resolved to their mutual satisfaction.[23]

2. *Book 7*

This book opens with a large quantity of religious material, involving a plague and the various expiatory actions taken to combat it (7.1.7-3.4). Livy has the plague lasting for three years: this is not mentioned by Plutarch,

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[21] *Camillus* 42.6. The problem of reconciling Camillus' earlier factionalism with his aiding the restoration of concord is solved by Plutarch rather differently: he makes it clear that Camillus' opposition to the Licinio-Sextian laws was extremely reluctant (*Camillus* 39.2). Contrast Livy's Camillus, who acts 'plenus irae minarumque' (6.38.5) and 'percitus ira' (6.38.8), and who strongly opposes the final settlement (6.42.9: 'per ingentia certamina dictator senatusque victus'). This highly-stressed factionalism is surprising in view of his earlier *pietas*, and itself provides an indication of the depth of the conflict, which in turn supports the idea that Livy would not have regarded the reconciliation as something that could be easily obtained.

[22] Lipovsky (1981), 47-8.

[23] A. Momigliano, "Camillus and Concord", *CQ* 36 (1942), 111-20 argues that Camillus did play his part in the final settlement, but that he probably did not found the temple. However, one of his pieces of evidence for the latter assertion is that Livy fails to include it (114); this does not take sufficient account of the degree to which including it would run contrary to Livy's aims in this section. The fact that it appears in Ovid would suggest that at least in principle the story was available to Livy.

Camillus 43 and Zonaras 7.24, although it is true that they are interested in it largely as the cause of the death of Camillus, and therefore have no particular interest in its chronology or its wider effect on Rome. It may be significant that in Livy it is associated with characters who are elsewhere in this part of the work prominent in the furthering of dissension. Camillus, as we have seen, is one, although it is true that Livy's obituary of him here (7.1.9-10) is couched in entirely favourable terms. Moreover, the dead include three *tribuni plebis* and a curule aedile (7.1.8) — the latter is interesting, given that immediately before (7.1.6), this office has been the subject of contention, and has accordingly been opened to the plebeians. However, more important than these specific details is the general consideration of the length that is allotted to the sequence of events, which is boosted by two extended historical digressions (7.2.4-13, 7.3.5-8). This suggests that Livy is going out of his way to emphasise the plague as much as possible; this in turn implies that, as was said about the end of Book 6, the absence of open class strife does not guarantee that all is well at Rome.

That Livy sees a certain amount to be desired in Roman behaviour at this point is confirmed by his treatment of the expiation itself. The Romans attempt a *lectisternium*, which fails to halt the plague. They therefore introduce theatrical performances for the first time, and, in one of the most discussed sections of his work,[24] Livy gives a brief history of the origin and later development of Latin drama. As has been observed,[25] Livy, like Horace, *Ars Poetica* 206-19, sees the drama of his own day as having declined from its origins, largely due to professionalism. However, it is also the case that Livy, unlike Horace, regards the very introduction of drama as a retrograde step; it is brought in 'victis superstitione animis' (7.2.3), and it is a complete failure at solving the problem of the plague: on the contrary, it seems to bring the gods' anger down even more (7.3.1-2):

> nec tamen ludorum primum initium procurandis religionibus datum aut religione animos aut corpora morbis levavit; quin etiam, cum medios forte ludos circus Tiberi superfuso inrigatus impedisset, id vero, velut aversis iam dis aspernantibusque placamina irae, terrorem ingentem fecit.

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[24] Most of the discussion has centred on the historicity or otherwise of Livy's account, or else on an attempt to discover his sources: for the former see e.g. W. Beare, "The Italian Origins of Latin Drama", *Hermathena* 54 (1939), 30-53; J.-P. Morel, "La *iuventus* et les origines du théâtre romain (Tite-Live VII 2; Valère Maxime II 4,4)", *REL* 47 (1969), 208-52; for the latter see e.g. R. Reitzenstein, "Livius und Horaz über die Entwicklung des römischen Schauspiels", in *Aufsätze zu Horaz 1908-1925* (Darmstadt, 1963), 29-54; J.H. Waszink, "Varro, Livy and Tertullian on the History of Roman Dramatic Art", *VChr* 2 (1948), 224-42.

[25] E.g. by Beare (1939), 33.

The implication of this passage is that whatever it was that caused the gods' anger has not been rectified; the Romans' superstitious practices are not sufficient, and indeed are themselves the object of attack.[26]

The final attempt to solve the problem by the Romans is the reintroduction of the custom of appointing a dictator 'clavi figendi causa' (7.3.4). This we may presume is the end of the plague, which is not subsequently referred to: it may be pointed out, however, that Livy nowhere states directly that the expiation was successful. This is perhaps because the undercurrent of class strife is still present, and indeed breaks out anew with this very expiation: the dictator who is appointed, L. Manlius, decides that 'rei gerendae ac non solvendae religionis gratia creatus esset', attempts to have a levy, and is only prevented by the concerted action of the tribunes (7.3.9); this in turn leads into the next round of dissension, with the attempted prosecution of Manlius at 7.4-5. This finally comes to a head at 7.6.7-12 with the defeat in battle of L. Genucius, who is the first plebeian consul to wage a war 'suis auspiciis' (7.6.8), and whose defeat is hence seized upon for factional purposes, as demonstrating that Appius Claudius had been right to argue that religion forbade plebeians to hold the consulship (7.6.10-11). Livy does not himself comment on this claim, but with his account of the subsequent Roman victory he at least implicitly undermines it. The commander is now Claudius himself, so there is no question of religious unfitness for office; even so, he finds good omens for battle hard to obtain,[27] and the victory, when it comes, is far from an easy one.[28] This suggests that the earlier Roman failure is to be attributed to other causes, not least, perhaps, the factionalism in which Claudius himself has played a major part.

Before the Genucius episode, however, we find a story with apparently rather more positive implications: the chasm that appears in the Forum, and the consequent self-sacrifice of M. Curtius (7.6.1-6). There are a number of other writers who tell this story, and there are two main respects in which the various accounts diverge: (i) the nature of the prodigy itself, and (ii) what precisely this sacrifice is intended to bring about.

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[26] The action here, as often in Livy, is working on two levels. There is the pious, divine level — the Romans' behaviour offends the gods, who punish them. But there is also the sceptical implication of the 'velut', which in turn is picked up by the phrase at 7.3.3 'piaculorum magis conquisitio animos quam corpora morbi adficerent' — this suggests the incompatible interpretation that the Romans' problems lie entirely in their minds, and specifically in their belief that they are being afflicted by the gods. See above, 16-30.

[27] 7.8.5: 'diu non perlitatum tenuerat dictatorem, ne ante meridiem signum dare posset'.

[28] 7.8.7: 'nec Romanis incruenta victoria fuit: quarta pars militum amissa et, ubi haud minus iacturae fuit, aliquot equites Romani cecidere'.

As far as (i) goes, Livy differs from most other writers in that he plays down the specifically supernatural nature of the prodigy: he allows that it may have come 'seu motu terrae seu qua vi alia' (7.6.1). This contrasts with the various authors who describe the event in implicitly supernatural terms.[29] Thus [Plutarch], *Par. Min.* 5B has it coming 'διὰ μῆνιν Ταρπείου Διός', while other writers lay stress on the sudden appearance of the chasm.[30] Even more strikingly, most other sources have the gap suddenly and miraculously closing after Curtius has thrown himself in;[31] nothing is said of this in Livy, although that it is closed somehow is presumably implied by his statement before Curtius' sacrifice that 'neque eam voraginem coniectu terrae ... expleri potuisse' (7.6.2).

All of this may simply be due to Livy's scepticism — it is noticeable that the bulk of the episode is narrated in *oratio obliqua* — but the lack of a miraculous closure may also be related to his treatment of (ii). For Livy, Curtius' sacrifice is for the sake of the permanence of Rome (7.6.3); this contrasts with almost all other writers, who regard the main point of the sacrifice as simply being to close the chasm.[32] It therefore ties in with this that Livy should be less interested than anyone else in the fact that the chasm actually did close: the point of the story for him is not the supernatural event itself, so much as its implications for the destiny of Rome.

Why, in the generally negative religious context of this section, should Livy have wished to introduce a story whose implications are essentially positive? Is it looking forward to the end of the book, in which a genuine reconciliation between the orders does take place?[33] This seems insufficient: for one thing, the question of internal concord is not mentioned anywhere in the passage,[34] which does not matter so much if we are

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[29] See above all Zonaras 7.25, where the supernatural is more explicit than anywhere else — though this may be the result of his own recasting of the story: 'μήτε σεισμοῦ προηγησαμένου μήτ' ἄλλου τινός, οἷα συμβαίνειν εἴωθε φυσικῶς ἐπὶ τοῖς τοιούτοις παθήμασι'.

[30] Valerius Maximus 5.6.2: 'vasto ac repentino hiatu'; Orosius 3.5.1: 'repente siquidem medio urbis terra dissiluit, vastoque praeruptu hiantia subito inferna patuerunt'.

[31] E.g. Varro, *L.L.* 5.148 = Procilius fr.1P: 'eo facto locum coisse atque eius corpus divinitus humasse'; Dionysius 14.11.5: 'αὐτίκα ἡ γῆ συνῆλθεν'; Valerius Maximus 5.6.2: 'continuoque terra pristinum habitum recuperavit"; Zonaras 7.25: 'ἄρτι δ' ἐς αὐτὸ ἐνήλατο ὁ Κούρτιος ἔφιππος, καὶ ἡ τῆς γῆς συνήχθη διάστασις, καὶ οὐδεὶς οὐκέτι τὸ χάσμα οὔτε τὸν Κούρτιον ἐθεάσατο'.

[32] The only writers who even refer to the connection with Roman prosperity are Dionysius 14.11.1 and Zonaras 7.25. Both, unlike Livy, also say that the sacrifice is in order to close the chasm; in Zonaras the prophecy about the permanence of Rome is only an aside, while Dionysius speaks vaguely of 'ἀφθονίαν ... ἁπάντων ἀγαθῶν'.

[33] See Lipovsky (1981), 58-65.

[34] Indeed, Livy may even be omitting such references, if we believe W. Basanoff, "Devotio de M. Curtius eques", *Latomus* 8 (1949), 31-6, who argues that in origin the story is an anti-patrician one. However, Basanoff's theory is extremely speculative, and, in any case, if the original story had such a significance it is likely to have been lost well before Livy.

arguing that it is meant to be related to its immediate context, but which becomes somewhat more problematic if we are suggesting that it is pointing to something a long way ahead — how are we meant to draw the appropriate connection, if not by subject matter? For another thing, the reconciliation at the end of the book, while important, is still only temporary, and the implications of the Curtius episode are of success that will be permanent.

Perhaps, then, Livy's aim is to lessen the impact of the present Roman difficulties by contrasting them with the future prospects for the city. These present difficulties are not resolved as such — note the reference to Claudius' victory (7.8.4): 'neque, tam vires pares quae superaverit res facile dictu est, nisi quod perpetua fortuna utriusque populi et extollere animos et minuere potuit'. This seems to imply that victory comes because of something long-term — it is not due to any resolution of immediate problems. This interpretation helps explain why Livy should have played down the miraculous closing of the chasm: that aspect of the story suggests a direct optimism for the immediate context, rather than the more distant future, and so would be inappropriate here. However, the overall impression given by the two passages is that the future will be bright despite the present strife, and hence that the latter will not go on forever.

All of this provides another instance of the way that Livy seems less concerned in this pentad to create a single consistent religious picture, and more concerned with short-term effects. This conclusion might seem paradoxical when one is discussing a passage which refers to the distant future and apparently ignores the present context; but the future referred to is an indefinite one, and so the passage cannot be seen as foreshadowing any later sequence. The main effect, as I have argued, is on the immediate context, implying that the problems are unresolved, but are also less serious than might be thought. This works against the direct connection between morality and religious events that is pointed to by the rest of the opening of the book, and hence undermines any idea of a consistent religious theme here.

The second half of the book is generally more optimistic than the first, as the way is prepared for the reconciliation between the orders with which the book ends, and as Rome's military standing is restored after her earlier defeats; this is paralleled by a greater stress on Roman piety. Thus, to give just a few examples, at 7.20.3-8, the Romans are persuaded not to wage war on Caere by a reminder that the Caerites had preserved the Roman religious artefacts in Book 5. At 7.27.8 the temple of Mater Matuta is spared from

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Certainly no other source, even similarly early ones like Procilius and Dionysius, shows such a bias.

the sack of Satricum; unlike the Latins' similar action at 6.33.5, this appears to be an unprompted act of piety. At 7.28.4-5 the dictator Camillus vows a temple to Juno Moneta; this vow is almost immediately fulfilled. That Livy is aiming to emphasise positive religious material rather than negative may above all be seen from 7.25.10-11, with the death of the consul Claudius, which is the sort of event that is usually seen as extremely ill-omened; here, however, Livy offers the possibility that it might even be favourable:

> redieratque res ad Camillum, cui unico consuli, vel ob aliam dignationem haud subiciendam dictaturae vel ob omen faustum ad Gallicum tumultum cognominis, dictatorem adrogari haud satis decorum visum est patribus.

The fact that this Gallic war results in a Roman success reinforces the positive impression left by this passage.

The religious optimism of the account of the war appears also in the story of Valerius Corvus at 7.26.1-5, which is also found in a number of other sources: it tells how Valerius, in single combat against a Gaul, is aided by a crow. What is especially distinctive about Livy's version is the way that he gives the crow's intervention a specifically divine cast;[35] thus he introduces it by saying 'minus insigne certamen humanum numine interposito deorum factum' (7.26.3). The crow settles on Valerius' head; this 'augurium caelo missum laetus accepit tribunus' (7.26.4). Valerius then prays for the support of whatever god had sent the bird; at this the crow joins him in attacking the Gaul, which Livy speaks of as 'mirabile dictu', and says that 'territum prodigii talis visu oculisque simul ac mente turbatum Valerius obtruncat' (7.26.5). No other writer lays such emphasis on the religious side of the story. Only Aulus Gellius 9.11.6-7 (= Claudius Quadrigarius fr.12P)[36] and Valerius Maximus 8.15.5 even mention the divine, and in neither case is it anything like as important as in Livy: Gellius has only the introduction of the crow with the words 'atque ibi vis quaedam divina fit',[37] while Valerius only says 'di pariter atque cives speciosum

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[35] J. Fries, *Der Zweikampf: historische und literarische Aspekte seiner Darstellung des T. Livius* (Meisenheim, 1985), 143-4.

[36] The attribution to Quadrigarius is denied on linguistic grounds by W.D. Lebek, *Verba Prisca: Die Anfänge der Archaisierens in der lateinischen Beredsamkeit und Geschichts-schreibung* (Göttingen, 1970), 213. However, even if this is right, Gellius describes his source as *libri annales*, and, given his interest in the archaic historians (see L. Holford-Strevens, *Aulus Gellius* (London, 1988), 183-5), this is likely to represent someone prior to and hence available to Livy.

[37] Note that Livy removes some of the vivid description of the crow found in the Gellius passage, in order to concentrate attention on the sense of the supernatural (A.H. McDonald, "The Style of Livy", *JRS* 47 (1957), 159).

reddiderunt'.[38] Livy's more extensive use of religion here may be due to the more optimistic context to which I referred above; it also may be significant that Valerius Corvus will be a key figure in the settlement at the end of the book, and indeed one whose creation of political harmony is seen religious terms.[39] His credentials on the divine level are established from the start.

In the middle of this general air of religious optimism, however, two passages seem to work against the prevailing mood: the prodigy lists at 7.27.1 and 7.28.7-8. The first of these is very brief, with only the bare mention of the fact of a plague and expiation.[40] The second is rather more extensive, especially in the detail of the expiation; and the explanation for this passage, at any rate, is fairly clear. Almost the very next thing that Livy goes on to describe is the opening of the Samnite War, which he sees as beginning a sequence of conflict that will go on up to and including the Punic Wars,[41] and the prodigies help him to stress the importance and difficulty of the struggle. The first set may also be connected with this; although three years separates them from the second set, those years are very briefly narrated. If this is so, it will also explain their relative shortness; the object is to create something of a sense of climax building up to the turning point in Roman history. This technique reminds one of the more extensive use of prodigy lists in the later books; the difference is, however, that it covers just two lists, and, more importantly, cannot be fitted into a structure with the rest of the religious material in this book.

3. Book 8

Book 8 is structured around two parallel stories, one at the beginning and one at the end, each of which involves the relationship between two commanders.[42] In the first, we have the harmonious partnership of Manlius Torquatus and Decius Mus, climaxing in the *devotio* of the latter, but also

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[38] Dionysius 15.1, Florus 1.8.20, *De Vir. Ill.* 29 and Zonaras 7.25 all fail to mention religion at all.

[39] See 7.40.4-5, where he begins his plea for reconciliation by describing how he prayed to the gods: 'ut mihi de vobis concordiae partae gloriam non victoriam darent. satis fuit eritque unde belli decus pariatur: hinc pax petenda est'.

[40] 'pestilentia civitatem adorta coegit senatum imperare decemviris ut libros Sibyllinos inspicerent; eorumque monitu lectisternium fuit'.

[41] 7.29.2: 'Samnitium bellum ancipiti Marte gestum Pyrrhus hostis, Pyrrhum Poeni secuti. quanta rerum moles! quotiens in extrema periculorum ventum, ut in hanc magnitudinem quae vix sustinetur erigi imperium posset!'

[42] Lipovsky (1981), 103.

including Torquatus' execution of his son for an act of insubordination. In the second, we have the conflict between Papirius Cursor and Fabius Maximus over an identical act of insubordination by the latter, which this time the accused's father condones. In each case, as we shall see, religion is used to reinforce the contrasts implicit in the narrative.

In the first section of the book we find certain religious incidents which, at least at first sight, appear to emphasise Roman piety and the consequent favour of the gods. At 8.1.6 the consul Plautius dedicates captured spoils to Lua Mater; but more significant is the sequence of events associated with L. Annius, the leader of the Latin revolt. When he comes to Rome as an ambassador, he demands the equality of Romans and Latins 'tamquam victor armis Capitolium cepisset, non legatus iure gentium tutus' (8.5.2). Torquatus, in reply to this, appeals to Jupiter (8.5.8):

> 'audi, Iuppiter, haec scelera,' inquit; 'audite, Ius Fasque. peregrinos consules et peregrinum senatum in tuo, Iuppiter, augurato templo captus atque ipse oppressus visurus es?'.

Livy then quotes a story that 'adversus crebram implorationem deum, quos testes foederum saepius invocabant consules, vocem Anni spernentis numina Iovis Romani auditam' (8.6.1). He does not vouch for this himself, nor for the story that Annius slipped and was killed on the way out of the temple — he accepts his slipping as certain, but not his consequent death.[43] Nor indeed does he vouch for the story that a storm accompanied the consuls' appeals to the gods (8.6.3). However, as elsewhere, his sceptical distancing of himself from the narrative may be contrasted with the effect of introducing the story at all, which can only be to reinforce the impression of Roman piety, Latin impiety, and divine intervention on the side of the former. The final words of Torquatus stress the same theme (8.6.5): 'bene habet; di pium movere bellum. est caeleste numen; es, magne Iuppiter; haud frustra te patrem deum hominum hac sede sacravimus'.

In fact, however, the situation is rather more complex than this, as is apparent when we look at the actual words that Livy gives to Annius. In his short speech to the Senate he twice attributes Latin success to the gods;[44] even more significantly, in his earlier speech he actually appeals to the very

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[43] 8.6.3: 'exanimatum auctores quoniam non omnes sunt, mihi quoque in incerto relictum sit'.

[44] 8.5.3: 'florentissimum deum benignitate Latium armis virisque'; 8.5.4: 'vires quoque aequari dis immortalibus placuit'.

Jupiter whom he is claimed to have reviled later.[45] There thus appears to be a direct contradiction in Livy's narrative: the behaviour which is attributed to Annius and is associated with the adverse religious material is quite the opposite of the way that we have seen him earlier.

How, then, should we explain this? One possibility would be to say that Livy is implicitly criticising and hence rejecting the versions of the story that make Annius impious: we have already seen that he refuses to vouch for them, whereas the pious statements are unquestionably spoken. But this clearly will not do. Livy was not obliged to include the stories at all; the fact that he does include them means that he is willing for their implications to be at least accepted as possible — we have seen many times how an event that is only presented in *oratio obliqua* nevertheless forms an integral part of the narrative.

Another possibility would be to say that Livy's self-contradiction is a result of his lack of interest in creating a consistent religious structure. On this argument, Annius' appeals to religion would simply be a rhetorical device, and no connection with the later narrative would be intended. Such an analysis would accord well with my general argument in this section; however, it is difficult to dismiss the contradiction so lightly. The specific mention of Jupiter Optimus Maximus as an object both of Annius' reverence and of his impiety goes well beyond anything that we have seen earlier in this pentad; it is hard to imagine Livy overlooking it, especially since the two passages are close together, and, if he saw it, it is equally hard to imagine him leaving it in without some point.

Another suggestion might be that we are also meant to see Annius' earlier appeals to the gods as impious, in that they appear in the course of a challenge to Roman power. It is not clear, however, that the Romans held that an appeal to the gods in a wrongful cause was impious in itself, rather than simply paradoxical.[46] In any case, it does not deal with the direct contradiction between Annius' earlier acceptance of Jupiter and his later rejection of him; even if both are considered impious, they are very different sorts of impiety, and the contradictory behaviour would still seem to require explanation.

A further interpretation would be to relate it to Annius' psychology: he starts out pious, but through intemperance lapses into impiety. This is attractive: it is certainly true that the words used to characterise him include 'ira' (8.6.2) and 'ferocia' (8.5.7). However, it should in that case be noted

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[45] 8.4.11: 'ego ipse audiente non populo Romano modo senatuque, sed Iove ipse, qui Capitolium incolit, profiteor me dicturum'.

[46] Cf. J.H.W.G. Liebeschuetz, *Continuity and Change in Roman Religion* (Oxford, 1979), 21.

that precisely the same language is used of Torquatus himself,[47] and, moreover, that even Torquatus' piety is far too violent to be accepted uncritically. In particular, in the passage quoted above he rejects the idea of Latin consuls and senators as sacrilegious. Yet in Livy's own day many non-Roman Italians, including indeed such people as Livy himself, were eligible for political office, without any idea that this was a breach of religion.[48] This suggests that we might draw similar conclusions from both Annius and Manlius: both are pious, but in both cases their piety is associated with a significant perversion of religion.[49] This applies also to Annius' earlier appeals to religion; these occur, as has been said, in the course of an extremely arrogant address, but his rejection of Jupiter brings it out even more strongly. Annius does not appear again, but Torquatus does, and this episode foreshadows the treatment of his later actions.[50]

In this section the most important religious event is Decius' *devotio*.[51] Livy's narration of this begins at 8.6.9, and, while his version does not vary significantly from anyone else's in the main outline, certain details of his treatment are worth commenting on.

The first point is in the explanation that Livy gives for the choice of Decius to undergo self-immolation. His story has several stages: first a vision comes to both consuls warning them that the army on one side and the general on the other were doomed, and that therefore *devotio* will guarantee victory (8.6.9-10). The consuls confirm this with sacrifices (8.6.11-12), and decide that whichever of them is in command of the wing

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[47] 8.5.7: 'forte ita accidit, ut parem ferociae huius et Romani consulem T.Manlium haberent, qui adeo non tenuit iram &c.'.

[48] In this context, note the way in which the similarity and kinship of the Romans and Latins are brought out by Livy at 8.8.2: 'fuit autem civili maxime bello pugna similis; adeo nihil apud Latinos dissonum ab Romana re praeter animos erat'. Cf. also G. Dipersia, "Le polemiche sulla guerra sociale nell' ambasceria latina di Livio VIII, 4-6", *CISA* 3 (1975), 111-20 on the way in which Livy's treatment of this embassy has been influenced by the Italian struggle for enfranchisement at the time of the Social War.

[49] It is worth observing Livy's treatment of Torquatus' descendant of the same name (cos. 235, 224) in the Third Decade. At 23.22.6-7 he takes the lead in rejecting Latin enfranchisement, and Livy explicitly refers back to the events of this book. As also when he had advised against ransoming Roman prisoners after Cannae (22.60) and later supports the Syracusans against Marcellus (26.32.1-4), his defence of tradition is valuable, but is taken to perverse extremes; see C.B.R. Pelling, "Plutarch: Roman Heroes and Greek Culture", in *Philosophia Togata*, ed. M. Griffin and J. Barnes (Oxford, 1989), 204-5. Livy shows similar characteristics in his ancestor here, and uses religion to reinforce the moral difficulties on both sides.

[50] See Lipovsky (1981), 112-15 on Livy's disapproval of Manlius' later harshness towards his son. This episode also looks back to his rescue of his father at 7.4-5 — see especially 7.5.2: 'quamquam non civilis exempli, tamen pietate laudabile'.

[51] For a general discussion of the episode see H.S. Versnel, "Self-Sacrifice, Compensation and the Anonymous Gods", in *Le sacrifice dans l'antiquité*, Entretiens de la Fondation Hardt 27 (1980), 135-85.

that is the first to give way will be the one to sacrifice himself (8.6.13). Then, just before entering the battle, the consuls sacrifice again, and the soothsayers prophesy success for Manlius, but death for Decius (8.9.1). Finally, Decius' wing gives way, at which Decius remembers his agreement with Manlius, and decides on *devotio* (8.9.3-4).

Most of the other sources for this are only using it as a brief historical *exemplum* of heroic self-sacrifice, and hence do not find it necessary to provide details of why it took place. Those who do, however, agree that it was prompted by a dream;[52] moreover, those who provide further details mention the consuls' agreement as to which it will be.[53] The confirmatory sacrifice, however, is mentioned by no one except Valerius Maximus, (who may be drawing it from Livy himself); and not even Valerius refers to the sacrifice directly before the battle — this detail is unique to Livy. The result is to stress the piety of the consuls; more specifically, it emphasises that it is divinely ordained that Decius should be the one to die — it is not simply chance that his wing should be the one to retreat. The consuls' method of selection is confirmed on the divine level.

Other aspects of Livy's account serve to magnify the glory of Decius' deed. He has no mention of the story found in Zonaras 7.26, that he was killed by one of his own men — this would smack of straightforward human sacrifice, and would in any case not carry the heroic connotations of a man attacking an entire army single-handed. The splendour of the figure of Decius himself is recounted at great length — he appears as a quasi-divinity bringing terror to the enemy.[54] The great detail with which Livy recounts the actual ceremony of *devotio* tends to the same effect (8.9.5-9), emphasising the formal solemnity of the action. Even the digression on the nature of the *devotio* ritual (8.10.11-11.1) is used in a similar way. Livy there implicitly contrasts Decius' actions with his own, degenerate time when such things have been forgotten.[55] What is more, the detail that he gives in the digression also serves to magnify Decius' self-sacrifice, since

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[52] Valerius Maximus 1.7.3; [Plutarch], *Par. Min.* 18; *De Vir. Ill.* 26; Zonaras 7.26. Cicero, *Div.* 1.51 also refers to a dream, but dates it three years earlier; Livy does not mention this, no doubt so as to tighten up the story.

[53] Valerius Maximus 1.7.3; *De Vir. Ill.* 26; Zonaras 7.26.

[54] 8.9.10-12: 'conspectus ab utraque acie, aliquanto augustior humano visu, sicut caelo missus piaculum omnis deorum irae qui pestem ab suis aversam in hostes ferret. ita omnis terror pavorque cum illo latus signa primo Latinorum turbavit, deinde in totam penitus aciem pervasit. evidentissimum id fuit quod, quacumque equo invectus est, ibi haud secus quam pestifero sidere icti pavebant'. For the way in which the 'victim' of *devotio* takes on a quasi-divine status cf. Versnel (1980), 150-2 and above, 195-7.

[55] 8.11.1: 'haec, etsi omnis divini humanique moris memoria abolevit nova peregrinaque omnia priscis ac patriis praeferendo, haud ab re duxi verbis quoque ipsis, ut tradita nuncupataque sunt, referre'.

he stresses that he would have been entitled to select another of his soldiers, had he wished.[56]

An interesting contrast may also be made between Livy and Dio/Zonaras with regard to the reasons that they give for Roman success. Dio (fr.32.4-5) says that he cannot believe that it is possible for the death of one man to bring about the victory; this is echoed in Zonaras 7.26, whose scepticism is even more explicit, as he writes:

> τέως δὲ τελευτήσαντος τοῦ Δεκίου τοῖς ῾Ρωμαίοις ἡ νίκη καθαρῶς συνηνέχθη, καὶ οἱ Λατῖνοι πάντες ἐτράπησαν, οὐ πάντως δὲ διὰ τὸν θάνατον τοῦ Δεκίου· πῶς γὰρ ἄν τις πιστεύσειεν ἐξ ἑνὸς ἀνδρὸς τοιᾶσδε τελευτῆς τοσοῦτον πλῆθος ανθρώπων τὸ μὲν φθαρῆναι, τὸ δὲ σωθῆναι καὶ νικῆσαι περιφανῶς;

Livy superficially might be thought to be putting forward a similar idea; he nowhere explicitly states that it was the *devotio* that caused the victory, and, moreover, emphasises the importance of Manlius' strategic skills, saying 'utrius partis T. Manlius dux fuisset, eius futuram haud dubie fuisse victoriam' (8.10.8). However, at the same time he strongly implies its efficacy, both saying that Decius 'omnes minas periculaque ab deis superis inferisque in se unum vertit' (8.10.7), and, in recounting his death, stressing the immediate result for Roman fortunes (8.9.12): 'ubi vero corruit obrutus telis, inde iam haud dubie consternatae cohortes Latinorum fugam ac vastitatem late fecerunt'. As often, Livy seems to be working on two levels; he gives explanations in both human and supernatural terms. It cannot literally be true both that Decius' *devotio* brought victory and that whichever side Manlius commanded would have won. Whether the reader is to accept the human or the divine explanation, or a synthesis of the two, is left open.

How well is this picture of Decius fitted to the wider story? The narrative is generally slanted so as to stress his piety and nobility, and the favour of the gods that his act brings; this is thus the climax of the Roman piety in this part of the book (above, 218). Yet the earlier complexity of religious attitudes does not at first sight seem to be reproduced here: Decius' actions are straightforwardly pious.

However, one aspect of the construction of the *devotio* story should be considered further in this context: that it is broken in the middle by the account of Manlius' execution of his son.[57] This has the obvious function

[56] 8.10.11: 'illud adiciendum videtur licere consuli dictatorique et praetori, cum legiones hostium devoveat, non utique se sed quem velit ex legione Romana scripta civem devovere'.

[57] This contrasts with Zonaras 7.26, where the story of Manlius is brought to an end before that of the *devotio* begins.

of building up suspense; the dream appears to the consuls, but it is not for several pages that we see its result. But it is also likely that we are being invited to contrast the two stories which are interwoven in this way:[58] both Decius and Manlius undergo a personal sacrifice for the sake of their country, but while Decius' is unreservedly to be praised, Manlius' actions are presented as excessively harsh[59] — he describes them himself as a 'delictum' (8.7.17). The religious material emphasises the praiseworthiness of Decius, and thus reinforces the contrast with Manlius, who, while partly to be praised,[60] is, as before, a far more ambivalent figure.

In the central section of the book is a sequence of religious material that is largely negative. At 8.15.6 the augurs find a flaw in the election of a dictator, and compel him to resign from his office. This is immediately followed by the execution of a Vestal for unchastity (8.15.7-8), which is in turn followed by another dictator forced to resign after a flaw in his election and a plague (8.17.4). At 8.18.11-12 a spate of poisoning is treated as a prodigy because 'captis ... magis mentibus quam consceleratis similis visa' (8.18.11). Finally, at 8.23.14-16 yet another dictator is compelled to resign by the augurs, and this time the tribunes object, though unavailingly, alleging that it is the plebeian origin of the dictator that has prompted the augurs' decision. It is true that there are instances of Roman piety at 8.14.2, where the Romans restore to the people of Lanuvium their shrines, at 8.20.8, the dedication of the executed traitor Vitruvius' property to Semo Sangus, and 8.25.1, the holding of a *lectisternium*. Livy makes little of these, however, and they certainly do little to counter the prevailing impression of gloom.

Is there anything in the Romans' behaviour or fortunes at this point that might explain why Livy is including this material? The resignation of the dictator at 8.23.14-16 might seem to imply that it is because the class struggle is once again coming to prominence, and indeed themes of this sort are returning into the narrative. At 8.12.4-17 the consuls Aemilius and Publilius act in opposition to the Senate, and the year concludes with Publilius, as dictator, passing a number of pro-plebeian measures. The patricians' view of this is that (8.12.17): 'plus eo anno domi acceptum cladis ab consulibus ac dictatore quam ex victoria eorum bellicisque rebus foris auctum imperium'; and that Livy himself disapproves of the situation is suggested by the censorious tone of 8.12.9-10:

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[58] G. Stübler, *Die Religiosität des Livius* (Stuttgart &c., 1941), 184-6.

[59] Lipovsky (1981), 112-5.

[60] His 'virtus' and 'consilium' in the battle are praised at 8.10.8, while even his harshness is said to achieve the result he desired: 'fecit ... atrocitas poenae oboedientiorem duci militem' (8.8.1). See P. Scott, *Qualities of Leadership in Livy's History* (unpublished dissertation, Oxford, 1986), 81-4.

bello infecto repente omisso consul, quia collegae decretum triumphum audivit, ipse quoque triumphi ante victoriam flagitator Romam rediit. qua cupiditate offensis patribus negantibusque nisi Pedo capto aut dedito triumphum, hinc alienatus ab senatu Aemilius seditiosis tribunatibus similem deinde consulatum gessit.

So, too, at the end of this section, the theme recurs, with the abolition of imprisonment for debt (*nexum*) at 8.28. That this is a vital step on the road to plebeian power is emphasised by Livy's introduction to the story (8.28.1): 'eo anno plebi Romanae velut aliud initium libertatis factum est quod necti desierunt'; and the fact that the catalyst is the appalling mistreatment of a plebeian debtor, C. Publilius, by a patrician creditor, L. Papirius, might seem to be emphasising the element of class struggle.

However, the *nexum* story as presented by Livy is not an example of class struggle; on the contrary, the senate take the side of the plebeians against the aberrant patrician.[61] Rather the episode indicates the resolution of the class conflict. But this still leaves the question of the negative religious material before it unresolved; for without the *nexum* section class conflict is hardly a dominant theme, only appearing in the couple of episodes mentioned above.[62] Moreover, there does not appear to be any other theme in this section to which it might naturally be linked. Rome is relatively successful in war, and the only other substantial example of Roman wrongdoing is the spate of poisoning at 8.18 referred to above. But this appears a self-contained episode, not prefigured in previous years, and indeed apparently resolved at its end by the appointment of a dictator 'clavi figendi causa' (8.18.12-13). It seems implausible to suggest that it alone could be governing the ominous religious material before and after it. In short, the general air of gloom implied by the religious material does not appear to be warranted by the actual events.

One further possibility must be considered: that it is intended to prepare the way for the end of the book, in which, as will shortly be shown, the negative religious material will reflect the narrative more closely. This is possible, perhaps reminding us of the techniques that are later found in the Third and Fifth Decades, where over long stretches of narrative the use of religious material mirrors the events of the main story. However, even if this is so, it is not here worked out nearly as fully as it is there, since there is little in the narrative of the central section itself with which the prodigies are integrated, nor are they the sort that of themselves seem to point forward to later events.

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[61] Lipovsky (1981), 68.
[62] Lipovsky (1981), 65-8.

The final section, centring on the quarrel between Papirius and Fabius, has been effectively analysed by Lipovsky in terms of the readers' perceptions of the rights and wrongs of the conflict: first Fabius is disobedient, but Papirius' response is, like Manlius', excessively cruel (8.30.2-33.22); then Papirius produces better arguments, that discipline must not be flouted, and pardons Fabius (8.33.23-35.9); back in camp, Papirius reverts to his former severity, and consequently he fails to motivate his troops to give him a victory in battle (8.35.10-36.4); finally, Papirius recognises that tempering severity with kindliness is the best policy (8.36.5-37.2).[63]

The use of religion in this section reinforces these perceptions. The entire affair has a religious motivation: the reason that Papirius is absent is that he has to go to Rome to repeat the auspices, which had been doubtful (8.30.1-2), and it is further implied later by Papirius that he had commanded Fabius not to fight because to do so would mean fighting without proper religious sanction.[64] This serves to emphasise the wrongness of Fabius' actions. But later Fabius' father also employs religious themes to stress the unjust harshness of Papirius (8.33.19-21):

> quam conveniens esse propter Q. Fabium civitatem in laetitia victoria supplicationibus ac gratulationibus esse, eum propter quem deum delubra pateant, arae sacrificia fument, honore donis cumulentur, nudatum virgis lacerari in conspectu populi Romani, intuentem Capitolium atque arcem deosque ab se duobus proeliis haud frustra advocatos.

It would be wrong to suggest that we are meant to see either Papirius' or Fabius' appeals to religion as wrong-headed or hypocritical. There are rights and wrongs on both sides, as Lipovsky's analysis makes clear, and these are reflected in the religious debate.

A further aspect to the auspices with which this episode begins should be considered. Livy introduces them by saying (8.30.1):

> in Samnium incertis itum auspiciis est; cuius rei vitium non in bellum eventum, quod prospere gestum est, sed in rabiem atque iras imperatorum vertit.

This is a very clear example of Livy's motivating events on two levels, the human and the divine simultaneously. In the most obvious sense, the omens

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[63] Lipovsky (1981), 115-30

[64] 8.32.7: 'quo tu imperio meo spreto, incertis auspiciis, turbatis religionibus, adversus morem militarem disciplinamque maiorum et numen deorum ausus es cum hoste confligere'. See also 8.34.4: 'se tamen perstaturum in incepto nec ei, qui adversus edictum suum turbatis religionibus ac dubiis auspiciis pugnasset, quicquam ex iusta poena remissurum'.

led to the consular disharmony, since they prompted Papirius' absence and his command not to fight, as was said above. However, the implication of this passage is that the causation also worked in some sense on the supernatural level; these are literally bad omens for the future, and as such, if my earlier interpretation is correct, form the culmination of the sequence of bad omens through the middle of the book.

One final passage in Book 8 should also be discussed: 8.39.10-15, in which the Samnites recognise that the war in which they are engaged is sacrilegious, and attempt to carry out an expiation, by surrendering to Rome what they owe them, and indeed handing over to them the instigator of the truce-breaking. However, the Romans' response is that 'nihil tamen earum rerum praeter captivos ac si qua cognita ex praeda sunt acceptum est; ceterarum rerum inrita fuit deditio' (8.39.15). This failure by the Romans to accept the Samnites' expiation is itself a breach of religious duty, as the beginning of Book 9 makes clear (see further below), and the end of this book thus foreshadows the beginning of the next, by showing the Samnites and the Romans as having changed places in piety.[65]

4. Book 9

As was indicated above, the key to the religious position of the Romans and Samnites at the start of Book 9 is the Roman rejection of the Samnite offer of peace: the religious implications of this are stressed at some length by the Samnite general C. Pontius at the opening of the book, who advises war on the basis of it (9.1.3-11). His final comment is typical (9.1.11):

> proinde, cum rerum humanarum maximum momentum sit quam propitiis rem, quam adversis agant dis, pro certo habete priora bella adversus deos magis quam homines gessisse, hoc quod instat ducibus ipsis dis gesturos.

And Livy immediately confirms Pontius' comment with one of his own, saying that he 'haec non laeta magis quam vera vaticinatus' (9.2.1). This aspect of the story is given far more emphasis in Livy than in any other writer. Appian, *Samn.* 4.3 has only the brief comment 'θεὸς δ' ἐνεμέσησε τῆς μεγαληγορίας'; Dio fr.33.9 speaks of the Romans 'ὑπεραυχήσαντες', but does not give it a specifically religious dimension, and, in any event,

[65] Lipovsky (1981), 138-9 misses this point: indeed, he argues that Livy has gone against his usual procedure in *not* having such a foreshadowing. He notes the Roman impiety, but fails to see its force: if it is recognised as impiety by the Roman reader, he can hardly fail to be prepared for the disaster that is to come.

seems partly to excuse them, explaining their refusal to make peace as due to the Samnites' reputation of untrustworthiness (fr.33.8).[66] Livy, on the other hand, makes it clear from the start that the defeat of the Caudine Forks is divine retribution for Roman impiety.

However, there is also at this point a significant omission by Livy. Dionysius has a prodigy before the battle, a bolt of lightning which strikes the army, destroying two standards and five soldiers (16.1.1); this prodigy is ignored by the Romans, and Dionysius implies that this is what causes their defeat.[67] Of this there is not a word in Livy, which leads to the question of why this should be, especially if, as seems to be implied by the book's opening, he intends to show the defeat as being the result of divine retribution.

Possibly it is connected with the practice that we have frequently observed in Livy: his tendency to remove or play down prodigies in the vicinity of key battles. But the Caudine Forks is not a key battle like Cannae, Cynoscephalae or Pydna, a battle on which an entire war hinges — on the contrary, the Roman defeat is completely reversed within twelve chapters. This being so, it is hard to see that he would have felt it inappropriate to have prodigies before it, especially when they would fit in with the general tendency of the religious material here.

Another possibility is that Livy, given the Romans' return to piety after the battle, does not want to emphasise their previous impiety too much; it is only very temporary and is not linked to any more general pattern of impious behaviour. Especially in view of the book's generally optimistic theme,[68] it might be that too much in the way of negative religious material would leave too strong an impression. If this is the case, it suggests that Livy may be beginning to treat his underlying religious themes on a wider scale than he had previously: he is eschewing a story which might superficially seem to fit his immediate aims for the sake of the book as a whole.

After the battle, religious themes once again loom large, centring on the religious issues raised by the Roman surrender. The importance of these to

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[66] W. Liebeschuetz, "The Religious Position of Livy's History", *JRS* 57 (1967), 45-6. He also cites Dionysius 15.9, in which the Roman *fetiales* accuse the Samnites of breaking a truce, and call on the gods to help whichever side is in the right. However, this fragment of Dionysius probably refers to the outbreak of the earlier war — the wording of the passage suggests that the situation is that of a war starting after a period of peace, rather than the renewal of one existing already (e.g. 'οὕτω φανερῶς ἀνηρηκότων ὑμῶν τὰ περὶ τῆς εἰρήνης ὅρκια' (15.9.1)). Cf. Livy 8.23, where, however, there is no reference to religion, possibly due to the lacuna in the text at 8.23.10.

[67] 16.1.4: 'τοιούτου γοῦν τινος γενομένου καὶ τότε καταφρονήσαντες οἱ Ῥωμαίοι καὶ ὑπὸ Ποντίου τοῦ Σαυνίτου κατακλεισθέντες &c.'.

[68] Lipovsky (1981), 140-1.

the plot is stressed by 9.5.1-5, where Livy argues at some length against Claudius Quadrigarius that the Romans surrendered not through a *foedus*, but through a *sponsio*,[69] since the fetials were not on hand, and without them the former could not be made.[70] The significance of this is that, at least as presented by Postumius in 9.8.5, a *sponsio* is binding only upon those who actually make it, and if it is made without the explicit sanction of the people, the people are not bound by it; a *foedus*, on the other hand, would be made by the fetials, who were the representatives of the people on such matters.[71] By surrendering the makers of the treaty, the Roman people, at least in theory, could subsequently wage war with a clear conscience.[72]

The results of this agreement begin to be seen at 9.8.6, in which Postumius proposes that he and the other guarantors of the *sponsio* be handed over to the Samnites, thus releasing the Roman people from their religious obligations. At 9.8.14-15, the tribunes make two objections to the procedure: firstly, that surrendering the guarantors would not release the Roman people from obligation unless 'omnia Samnitibus qualia apud Caudium fuissent restituerentur' (8.8.14); and secondly that they themselves are sacrosanct, and therefore cannot lawfully be surrendered. The former point is argued against at length by Postumius (9.9.3-8), the latter implicitly accepted by him (9.9.1-3). As a result of this debate, the reader is left above all with the impression that Postumius' detailed arguments are correct, and that the surrender according to his plan is justifiable; the other side of the question is hardly put forward. As for the tribunes, the problem is solved by their resignation from office at 9.10.1-2. This stresses the voluntariness of the pious action;[73] the same thing may be seen in the appeal of Postumius to the gods at 9.8.8-9 to be satisfied with his surrender and not to vent their anger on the Roman people as a whole, and in the comparison that the people make between Postumius' self-sacrifice and Decius' *devotio* (9.10.3). The passage as a whole is thus slanted so as to emphasise the Romans' acting freely to resolve their religious difficulties.[74]

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[69] H. Bruckmann, *Die römischen Niederlagen im Geschichtswerk des Livius* (dissertation, Munster, 1936), 13-16.

[70] 9.5.1; see G. Wissowa, *Religion und Kultus der Römer* (2nd ed., Munich, 1912), 550.

[71] Wissowa (1912), 550-1.

[72] On the unhistoricity of this see M.H. Crawford, "Foedus and Sponsio", *PBSR* 41 (1973), 1-7; he argues that a *sponsio*, which was a concept from Roman civil law, had no real meaning in such a context, that it was introduced *post eventum* by historians in order to justify Rome's repudiation of her agreement with Numantia in 137, and that it was subsequently read back into Caudium.

[73] Contrast Cicero, *Off.* 3.109, where there is no indication either that there was a problem about the surrendering of tribunes or that the surrender was voluntary on the part of anyone but Postumius.

[74] Bruckmann (1936), 22-6.

So far, the picture that has been presented is straightforward: we have seen Rome losing divine favour through her impiety, and then regaining it with a scrupulous regard for religious niceties, and the latter may be seen as the platform on which the Roman success in the rest of the book is built. However, when the actual surrender comes, the issue is more complicated. The Samnite general, Pontius, regards the repudiation of the truce as impious[75] (a position which, as we have seen, Livy has not up until now given serious consideration). He specifically objects to Postumius' claiming to be a Samnite citizen after the surrender and then kicking a Roman fetial in the leg, thus technically violating the *ius gentium* on the Samnites' behalf (9.10.10) — he regards this as 'ludibria religionum' (9.11.11-12), and in anger refuses to accept the surrender. It might be thought that in this matter we are meant to accept the Roman view of events without question;[76] however Livy's final comments also seem to be expressing certain doubts on the legality of the Roman position (9.11.13): 'et illi quidem, *forsitan et publica*, sua certe liberata fide ab Caudio in castra Romana inviolati redierunt'.

Two questions thus arise: to what is Livy objecting, and what conclusions are we meant to draw overall? Postumius' kicking of the fetial has a farcical air, which Pontius' comments show is not simply due to the modern reader projecting his own prejudices onto the text. Certainly the technical point that Postumius, having been surrendered to the Samnites, was a Samnite citizen[77] is simply false, a point which Livy and his readers would unquestionably have known, given that citizenship in the Roman world was invariably limited to free men.[78] There thus does appear to be some ground for saying that this aspect of the affair is not unequivocally pro-Roman. But the scope of Livy's final comment seems wider than this: to question whether the 'publica fides' had been kept is to suggest that the very basis of the surrender of the guarantors may be wrong, just as Pontius had argued.[79]

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[75] 9.11.2: 'quin tu, Sp. Postumi, si deos esse censes, aut omnia inrita facis aut pacto stas? Samniti populo omnes quos in potestate habuit aut pro iis pax debetur' (cf. 9.11.10). This aspect of the story is paralleled in Dio fr.33.19-20 who, however, does not have any indication that the Samnites' complaint might be justified.

[76] See H. Hoch, *Die Darstellung der politischen Sendung Roms bei Livius* (dissertation, Zurich, 1951), 94-106 on the way in which Livy puts effective arguments into the mouths of Rome's enemies, which the reader is nevertheless intended to see as wrong.

[77] 9.10.10: 'clara voce ait se Samnitem civem esse'.

[78] Though a *freed* slave could take the citizenship of his master. See J.A. Crook, *Law and Life at Rome* (London, 1967), 41.

[79] This is missed by Liebeschuetz (1967), 46, who regards the conclusion that the Romans have not offended the gods as certain: he sees the only debate as being over the 'moral issue', which is left inconclusive.

Why, then, does Livy include this? One answer might be that in this way he builds up suspense by leaving us uncertain as to the final result of the war; however, this does not seem to be an aim of his in this section, as is apparent from 9.3.12-13, where the elder Pontius prophetically warns the Samnites of the consequences of imposing humiliating peace terms, and from 9.12.1-4, the passage immediately following the one under discussion, where the folly of not listening to the elder Pontius is brought home to the Samnites.[80] More likely is that it is connected with a desire to give Pontius effective rhetorical arguments, and so to present him as a more attractive figure — certainly Livy has shown him in a relatively sympathetic light earlier.[81] If this is so, however, it provides us with yet another example of Livy using his religious material more for immediate effect than with an eye to the long-term narrative. We may note that when the final battle between the Romans and Samnites comes, there is no longer any hint of Roman impiety — on the contrary, at 9.14.4 the Roman general Papirius reports good omens on all fronts.[82]

Broadly speaking, the second half of the book details a continual rise in Roman fortunes; within this, however, we find a certain stress laid on the threat to Rome from the Etruscans and Samnites, which has to be overcome. This theme is introduced at 9.29.1-5,[83] and immediately after this are a number of important religious events.

The first of these is the famous story of the censorship of Appius Claudius Caecus, his removing of the Ara Maxima cult from the *gens Potitia*, who had run it up to that time, and the consequent extinction of the family and blinding of the censor himself. Livy's version here lays much more stress on Claudius' impiety than some other accounts. Cicero, *Dom.* 105 has Claudius blinded *in spite of* his piety, while Diodorus 20.36 has a long account of the censorship in which he describes various unpopular moves of made by Claudius, but not the Ara Maxima question; he concludes by saying 'τὸν ἀπὸ τῆς συγκλήτου φθόνον εὐλαβηθεὶς προσεποίηθη τυφλὸς εἶναι' (20.36.6). This may reflect only that the hostile version found in other writers was yet to be invented when Cicero and Diodorus

[80] E.g. 9.12.1: 'et sero ac nequiquam laudare senis Ponti utraque consilia'; 9.12.4: 'Samnites simul rebellasse et vicisse crederent Romanos'.
[81] See his first speech in the book, at 9.1.3-10, with its general (and just, as we have seen) appeal to justice and piety.
[82] 'auspicia secunda esse, Tarentini, pullarius nuntiat; litatum praeterea egregie; auctoribus dis, ut videtis, ad rem gerendam proficiscimur'.
[83] See especially the description of the Etruscans at 9.29.2: 'nec erat ea tempestate gens alia, cuius secundum Gallicos tumultus arma terribiliora essent cum propinquitate agri tum multitudine hominum'.

wrote;[84] however, the more favourable version was clearly available for Livy had he wished to use it.[85] Later versions are closer to Livy, but may have been themselves influenced by his stress on Claudius' impiety.[86] In general, this sign of Roman misbehaviour and divine retribution is well suited to a context where Rome is once again faced with a serious military threat: it provides an ominous atmosphere, which stresses the difficulty of the task that lies ahead.

Following very close after this is another famous story: that of the flautists who went on strike (9.30.5-10). Apart from Livy, the story is also told in Ovid, *Fasti* 6.657-692, Valerius Maximus 2.5.4 and Plutarch, *Quaest. Rom.* 55; there is little variation between the different accounts. Unique to Livy, however, is the indication that the flautists' resentment is due to the censors (9.30.5): 'tibicines, quia prohibiti a proximis censoribus erant in aede Iovis vesci quod traditum antiquitus erat, aegre passi Tibur uno agmine abierunt'. The censors in question are probably not Claudius and Plautius,[87] although one of them is mentioned by Ovid later in the story.[88] Nevertheless, we may tie it in with the earlier account of Claudius' actions, because Livy, by comparison with the other versions cited above, is particularly interested in the effect that the strike has on Roman religion: he introduces it with the words 'eiusdem anni rem dictu parvam praeterirem, ni ad religionem visa esse pertinere' (9.30.5), and makes it clear that it was religious scruples which prompted the senate to demand them back (9.30.5-6): 'nemo in urbe esset qui sacrificiis praecineret. eius rei religio tenuit senatum &c.'. This incident may thus be seen as a continuation of Claudius' impiety, and the senate's behaviour as a continuation of their attempts to rectify the situation, just as they were presented as having done at 9.29.11-30.2, where the consuls, immediately after the account of Claudius' blinding refused to accept his new senatorial roll — Livy makes this a conscious attempt by them to rectify his impiety.[89] Finally, at the

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[84] Wiseman (1979), 108-9.

[85] Dionysius 16.3.1 only says vaguely '̔Άππιος Κλαύδιος περὶ τὰς θυσίας παρανομήσας τι ἀπετυφλώθη καὶ Καῖκος προσηγορεύθη', although this may reflect compression on the part of his excerptor.

[86] Valerius Maximus 1.1.17; *De Vir. Ill.* 34; Servius, *ad Aen.* 8.179 are all essentially the same, though *De Vir. Ill.* emphasises Claudius' immorality even more strongly, saying that he bribed the Potitii.

[87] R.E.A. Palmer, "The Censors of 312 B.C. and the State Religion", *Historia* 14 (1965), 309, denies that 'proximi censores' can refer to the current censors elected in the previous year (cf. Cicero, *Arch.* 11 and *Clu.* 117) — he sees it as referring to Claudius' predecessors, though he regards Ovid as being in fact correct to relate the episode to Claudius.

[88] *Fasti* 6.685; both 'Claudius' and 'Plautius' have been read as the first word of the line.

[89] 9.29.11-30.1: 'censorem etiam memori deum ira post aliquot annos luminibus captum. *itaque* consules ... initio anni questi apud populum deformatum ordinem prava lectione senatus'.

end of the story Livy links the problem to the precarious military situation (9.30.10): 'haec inter duorum ingentium bellorum curam gerebantur'. The dangers from war are paralleled by the dangers to Roman piety, which are successfully overcome here. Correspondingly, directly after this (9.31) the Romans actually engage in a battle with the Samnites, and are victorious, and in the course of the battle the consul Junius piously calls on the gods. This appears especially significant when compared with Zonaras 8.1, who has not a word of the piety, and regards the battle as a Roman defeat.

The final stage in the danger comes at 9.38-40. There the Romans initially suffer a minor setback when their sailors are routed while plundering (9.38.2-3); then there is a battle whose result is uncertain, but leads to a rumour of a Roman defeat (9.38.4-9). This causes a crisis at Rome, and Papirius is appointed dictator (9.38.9-14).[90] This is followed by a bad omen — the first vote recorded for the *lex curiata* confirming Papirius' appointment is that of the Curia Faucia, associated with the disasters of the Allia, the Caudine Forks, and possibly the Cremera (9.38.15-16). However, the following day the auspices are again taken, and are now satisfactory (9.39.1), and this is followed by battles in which first the Etruscans then the Samnites are decisively routed (9.39-40). The religious event thus forms a centre about which the episode turns, and provides a crisis in religion to reinforce the crisis in war — and both are successfully overcome. From here to the end of the book military success is entirely with Rome, and correspondingly the religious material goes to emphasise Roman piety: note the building of the temple of Salus (9.43.25), the dedication of a statue of Hercules (9.44.16), and above all 9.40.17, where Samnite spoils are used to honour the gods — this is explicitly contrasted with the behaviour of the Campanians, who used them to equip gladiators.[91]

5. Book 10

This book is built around three climaxes, which unite two of the main themes of the decade: that of the struggle of the orders and that of the gradual growth of Roman military power. The first of these themes may be

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[90] Though it should be noted that Livy seeks to play down the actual crisis, treating the setback as rumour rather than fact (9.38.8), and regarding even that rumour as becoming exaggerated and causing unnecessary panic at 9.38.9: 'ob haec etiam aucta fama, ut solet, ingens terror patres invasit dictatoremque dici placebat'.

[91] 'et Romani quidem ad honorem deum insignibus armis hostium usi sunt: Campani ad superbiam et odio Samnitium gladiatores, quod spectaculum inter epulas erat, eo ornatu armarunt'.

seen in the book's first climax: that of the move to increase plebeian access to the priesthoods. The second appears in the final climax, with a succession of overwhelming Roman victories; while the two are combined in the central climax, which culminates in the battle of Sentinum and the *devotio* of Decius. In each case, we shall see that religion is playing a vital part in the narrative.

With the first of these episodes (10.6.3-9.2) the religion is clearly central to the story. The fact of the priesthoods being the point of contention is significant in itself — as with the debate over the Licinio-Sextian laws (above, 209-10), the question of the access of plebeians to political office focuses on their fitness to participate in the state religion. There is, however, an important contrast between the two sections. In both cases only one speech is given from the debate over the law, but in Book 6 it is a speech of an opponent, whereas here it is the speech of a supporter. The way in which Livy explicitly links these two episodes,[92] along with the fact that in each case the opponent of the law is identified as an Appius Claudius (6.40-41, 10.7.1), makes it appear that the speech of Decius here is a reply to that of Appius in Book 6.[93] We may in particular note that Appius' key argument earlier — that plebeians could not lawfully take the auspices (6.41.4-10) — is here rebutted by Decius, who uses numerous examples of plebeians who have acted independently in religious matters without the state coming to harm: the plebeian consuls and dictators (10.7.6-11, 10.8.5, 10.8.8-11), the plebeian *decemviri* (10.8.1-2), and the *devotio* of Decius' own father (10.7.3-4). All of these examples, it will be seen, come from the period after the Licinio-Sextian laws,[94] and so would not have been available at the time of Appius' speech. This provides further support for Lipovsky's contention that Appius' speech sets up a challenge for the plebeians which can only be answered by their actual deeds once they have access to the institutions in question.[95]

The book, as has been said, centres on the battle of Sentinum, and at the end of the year before the battle we find a considerable quantity of religious material. At 10.23.1 we are told: 'eo anno prodigia multa fuerunt, quorum

[92] 10.7.2: 'qui cum eadem ferme de iure patrum ac plebis quae pro lege Licinia quondam contraque eam dicta erant cum plebeiis consulatus rogabatur disseruissent &c.'. See Lipovsky (1981), 73.

[93] A point missed by Lipovsky (1981), 76, who regards the omission of the speech against the Ogulnian law as an indication that class strife has diminished.

[94] Apart from the first *magister equitum*, C. Licinius Stolo (referred to in 10.8.8), whose contentious appointment was at 6.39.3-4. This was directly before Appius' speech, and indeed part of the same sequence of class strife as it: it, too, would therefore not have been capable of being used at the time to rebut his point.

[95] Lipovsky (1981), 41-2; see above, 209-10. It is worth also noticing the pentad's resulting symmetry, since the two episodes stand approximately equidistant from its centre.

averruncandorum causa supplicationes in biduum senatus decrevit'. This is all that there is on the prodigies themselves; however, the aftermath of the supplication is described in some detail. First comes the establishing of the cult of Pudicitia Plebeia by Verginia, a woman of patrician birth, but with a plebeian husband, on account of whom she had been prevented from participating in the cult of Pudicitia Patricia (10.23.3-10). This is followed by the use of money from fines to provide various religious objects for temples (10.23.11-13).

Zonaras has rather a different set of prodigies prior to Sentinum (8.1; cf. Dio fr.33.28). He gives considerably more detail: blood, honey and milk flowing from an altar, and the moving of a statue of Victory. These are interpreted by an Etruscan seer named Manius to indicate success in the future war, but also plague and famine. The mention of the plague makes it seem likely that the prodigies in question are those which Livy gives for the year of Sentinum at 10.31.8, which include a plague, but which he places after the battle; yet even there none of the detail in Zonaras is given. The reason for Livy's positioning of this second list will be discussed below (236-7); however, the fact that he has prodigies so close to the end of the previous year suggests that the displacement cannot be to avoid their ominous impact prior to Sentinum, and in any case, the story of Manius' prophecy would have provided an obvious way of turning them to the good. There is no reason to regard this story as Dio's invention: hence Livy's omission requires explanation.

As before, it might be thought that this is another example of Livy's reluctance to link the supernatural to key battles — while Sentinum is not decisive in the war,[96] it is nevertheless a major victory.[97] However, this will not do: the *devotio* of Decius, as we shall see, in any case gives the battle a supernatural overlay of just the sort that Livy seems to be avoiding elsewhere. The most likely solution, therefore, seems to be that Livy wishes to limit the amount of supernatural foreshadowing at this portion of his work — the fact that the Romans will receive a prophecy of victory directly before the battle (10.27.8-9) makes him unwilling to duplicate it here. In particular, one may note that having a prophecy of victory directly prior to a battle suggests to the reader victory only in that battle, whereas having it at a greater distance before the battle seems to imply something longer-term — but, as we have seen, the battle of Sentinum does not lead to victory in

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[96] 10.31.1: 'his ita rebus gestis nec in Samnitibus adhuc nec in Etruria pax erat'. Modern historians, unlike Livy, do see it as decisive; see E.T. Salmon, *Samnium and the Samnites* (Cambridge, 1967), 266-8.

[97] 10.30.4: 'magna eius diei, quo in Sentinati agro bellatum, fama est vero stanti'.

the war. It is true, of course, that the war will be won by the end of the book;[98] the fact that Livy is not foreshadowing it here suggests that, as before, he is less interested in using his religious material to create long-term effects.

This still leaves the question of the reason for Livy including the story he does at the end of the year before. The account of the founding of the cult of Pudicitia Plebeia makes it look as if Livy is seeking to emphasise the struggle of the orders; this is supported by the subsequent story, because the curule aediles who fine the *feneratores* are Gnaeus and Quintus Ogulnius (10.23.11), who earlier in the book were the tribunes who promulgated the law giving plebeians access to the priesthoods. We may also note that the other officials said to be involved in similar acts are the plebeian aediles (10.23.13). All this can be related to the quarrel between Fabius and Decius that is shortly to come, a quarrel that is said by Livy to be the result of class rivalry.[99] Their dispute is treated as a test of the plebeians' worth, and its resolution as proof that the plebeians have been accepted by the patricians.[100] In view of this, the introduction of a large amount of religious material that demonstrates plebeian piety is significant:[101] it shows that the plebeians share the true Roman values, and thus serves to place the reader on the side of those who wish to see the plebeians win patrician respect. The rightness of the final resolution of the conflict is thus confirmed.

When it comes to the battle itself, the divine hand in the Roman victory is made clear. At 10.27.8-9 there is an omen which prophesies it directly, as was said above: a wolf that runs into the Roman camp is spared, while a hind which runs into the enemy camp is killed. The same omen appears in Zonaras 8.1, but there is a significant difference between the two accounts. In Zonaras the sparing of the wolf is not said to be due to any decision by the Romans: it merely 'πρὸς τοὺς Ῥωμαίους ὁρμήσας διεξῆλθε'. In Livy, on the other hand, 'lupo data inter ordines via' (10.27.8): he thus shows the good omen to be a direct result of the Romans'

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[98] Strictly speaking the war will continue into Book 11. However, the decisive nature of Papirius' victory at the end of Book 10 is made clear by Livy at 10.44.8: 'quando iam nullus esset hostium exercitus qui signis conlatis dimicaturus videretur, unum superesse belli genus, urbium oppugnationes'. See P.A. Stadter, "The Structure of Livy's History", *Historia* 21 (1972), 294; G. Wille, *Der Aufbau des livianischen Geschichtswerk* (Amsterdam, 1973), 54.

[99] 10.24.1-2: 'nec gloria magis rerum, quae ingens erat, quam concordia inter se clari. quae ne perpetua esset, ordinum magis quam ipsorum inter se certamen intervenisse reor &c.'.

[100] Lipovsky (1981), 79-83.

[101] Note in particular that Livy shows his approval of Verginia's actions, saying 'facto deinde egregio magnifica verba adauxit' (10.23.6), and stresses that it was the equal of the patrician cult in its prizing of chastity (10.23.9): 'eodem ferme ritu et haec ara quo illa antiquior culta est, ut nulla nisi spectatae pudicitiae matrona et quae uni viro nupta fuisset ius sacrificandi haberet'. See Lipovsky (1981), 78-9.

own behaviour, their sparing of the 'Martius lupus' contrasted with the Gauls' slaying of the 'sacram Dianae feram' (10.27.9). Once again, then, we see a victory associated with piety.

This applies above all, of course, to Decius' *devotio* (10.29.13-18), especially given that he is in this section seen as the plebeian hero *par excellence*, and we have already been given a number of examples of plebeian piety leading up to this climax. The most notable thing about this passage is that it resembles an abridged version of the *devotio* of Decius' father. As regards the detail of the ceremony, this was only to be expected: presumably much the same ritual was thought to be involved in each case, and, moreover, Decius is presented as consciously imitating his father's actions.[102] More interesting is that the victory is here too explained in both natural and supernatural terms. On the one hand we have the sudden and unexpected turning of the battle after the consul's death;[103] on the other the *devotio* is described as motivating the Romans and improving their morale — it is used thus by Livius (10.29.4), and Livy describes it as 'ingens hortamen ad omnia pro re publica audenda' (10.29.5). Moreover, Livy sets out at some length the part played by Fabius' strategy (10.25.8-16), just as he had with Manlius' earlier. The victory is seen as the culmination both of Roman piety and of their military skills.[104] However, one difference from the earlier battle should be noted. At 10.29.14 Fabius vows a temple and the spoils of the battle to Jupiter Victor; the second part of this vow is fulfilled at 10.29.18. By this act he involves himself in his colleague's act of piety, an appropriate idea, since Fabius is the representative of the patricians just as Decius is of the plebeians, and this section marks the final reconciliation of the two orders, at least in this pentad. No such act is attributed to Manlius, which may at least partly reflect the fact that he is not being linked with his colleague, but contrasted with him (above, 222-3).

At the end of the year, at 10.31.8, the prodigy list mentioned above (234) is given:

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[102] 10.28.12-13: 'patrem P. Decium nomine compellans, "quid ultra moror" inquit "familiare fatum? datum hoc nostro generi est ut luendis periculis publicis piacula simus"'. See also 10.28.15: 'devotus inde eadem precatione eodem habitu quo pater P. Decius ad Veserim bello Latino se iusserat devoveri'. Cf. O. Schönberger, "Motivierung und Quellenbenützung in der Deciusepisode des Livius (10.24-30)", *Hermes* 88 (1960), 227-30 for a comparison between the two *devotio* episodes.

[103] 10.29.1-2: 'vix humanae inde opis videri pugna potuit. Romani duce amisso, quae res terrori alias solet, sistere fugam ac novam de integro velle instaurare pugnam; Galli et maxime globus circumstans consulis corpus velut alienata mente vana in cassum iactare tela'.

[104] Schönberger (1960), 228-30.

> felix annus bellicis rebus, pestilentia gravis prodigiisque sollicitus; nam et terram multifariam pluvisse et in exercitu Ap.Claudi plerosque fulminibus ictos nuntiatum est; librique ob haec aditi.

Why Livy should have wished to have this here, in a year which, as he himself says, is 'felix bellicis rebus'? Perhaps, coming at the end of the year, they are looking forward to the following year, in which Samnite success is rather greater. We may note in particular that immediately after the passage under discussion is a paragraph in which Livy praises the Samnites for their endurance (10.31.10-15), and that this is in turn succeeded at 10.32.4-33.6 by a Samnite assault on the Roman camp which is not unsuccessful.[105]

In this context we should also note 10.35-36, in which the Samnites once again give the Romans difficulties.[106] However, the battle turns in the Romans' favour when at 10.36.11 the consul vows a temple to Jupiter Stator if the Romans win. Immediately the Romans renew the fight, and the sudden change in fortune is associated with the gods: 'numen etiam deorum respexisse nomen Romanum visum; adeo facile inclinata res repulsique a castris hostes' (10.36.12). Once again the fortunes of battle are linked to questions of piety and divine aid.

The final climax of the book is the battle of Aquilonia, in which religion again plays an important part. The two main features of the story are the oath that the Samnite 'legio linteata' took, bringing down a curse on themselves if they did not obey their generals in battle (10.38.2-12), and the bad auspices received by the Roman general Papirius, auspices which the keeper of the chickens conceals (10.40.4-14). On the face of things these should lead to a Roman defeat, since the Samnites are associated with piety, the Romans with bad omens and impiety. In fact the Romans were victorious; and, accordingly, Livy has, as we shall see, treated these two episodes in such a way as to reverse completely their superficial meaning.

First, the Samnites' oath is consistently seen not as a voluntary religious ceremony, but as a macabre rite into which the soldiers are forced, and which only binds them because of their superstition. We are told that the Samnites 'admovebatur altaribus magis ut victima quam ut sacri particeps' (10.38.9), and the implication of human sacrifice is reinforced by 10.38.11:

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[105] 10.32.5: 'quamquam non venit ad finem tam audax inceptum, tamen non omnino vanum fuit'; 10.33.7: 'animos inde Samnitibus non infelix audacia auxit'.

[106] See, for example, 10.35.2: 'ibi ira vires aequavit; proelium varium et anceps fuit, tristius tamen eventu Romanis, et quia insueti erant vinci et quia digredientes magis quam in ipso certamine senserunt quantum in sua parte plus vulnerum ac caedis fuisset'. Also note 10.35.7: 'nunc pudore a fuga contineri, alioqui pro victis esse'.

> id primo quidam abnuentes iuraturos se *obtruncati circa altaria* sunt; iacentes deinde *inter stragem victimarum* documento ceteris fuere ne abnuerent.

At 10.39.2 they are described as 'operati superstitionibus', while at 10.41.3 Livy speaks of 'promiscua hominum pecudumque strages et respersae fando nefandoque sanguine arae'. All of this supports the account of Papirius, who argues (10.39.16):

> si qua coniectura mentis divinae sit, nulli umquam exercitus fuisse infestiores quam qui nefando sacro mixta hominum pecudumque caede respersus.

The attempt of the Samnites to bind their army by religion has only resulted in their bringing on themselves the gods' anger.[107]

So too with the Romans the negative implications of the bad omens are reversed. The first part of the story, the concealing of the bad omen, is narrated quite briefly (10.40.4-5). Far more emphasis is given to the discovery of the false report by Sp. Papirius, the consul's nephew (10.40.9-11): it is stressed that he is motivated by traditional piety.[108] The consul's reply to this is that, if a lie has taken place, it is the chicken-keeper upon whom divine vengeance will fall; as far as he is concerned, the omen is good (10.40.11).[109] Accordingly, he places the chicken-keepers in the front line (10.40.12), and almost immediately one is killed (10.40.13), which Papirius regards as proof that the gods are intervening in the battle. Moreover, Papirius' view is confirmed by a further good omen, a raven that crows in front of him. This story appears in neither of the two other accounts of this battle, Valerius Maximus 7.2.5 and Orosius 3.22.3-4,[110] but Livy lays great stress upon it (10.40.14):

> ante consulem haec dicentem corvus voce clara occinuit; quo laetus augurio consul, adfirmans numquam humanis rebus magis praesentes interfuisse deos, signa canere et clamorem tolli fuisse.

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[107] The only other account of this episode, Dio fr.33.29, does not seem to contain any such implication — he only speaks of 'ὅρκοις ... φρικώδεσι'.

[108] 10.40.10: 'iuvenis ante doctrinam deos spernentem natus' — cf. the consul's words at 10.40.11: 'tu quidem macte virtute diligentiaque esto'.

[109] For this procedure see Liebeschuetz (1979), 24.

[110] Their accounts are less detailed than Livy's; nevertheless their different emphasis is indicated by their omission of these religious features that Livy stresses so strongly.

What is more, the battle concludes with a discussion of a vow made by Papirius which once again is absent from both Valerius and Orosius (10.42.7):[111]

> ab eodem robore animi neque controversio auspicio revocari a proelio potuit et in ipso discrimine quo templa deis immortalibus voveri mos erat voverat Iovi Victori, si legiones hostium fudisset, pocillum mulsi priusquam temetum biberet sese facturum. *id votum dis cordi fuit et auspicia in bonum verterunt.*

Especially striking here is the way in which Livy explains the change from bad omens to good that we have seen in the course of the battle: it is a reward for Papirius' piety. What is potentially bad for the Romans becomes good, and this is treated by Livy as a further demonstration that the gods are on the side of justice.

6. *Conclusion*

There are various points of similarity and contrast between this pentad and Books 1-5, where we saw that religion plays only a subsidiary role, reinforcing central themes, but not itself serving as an extended thematic device. The exception was Book 5, in which religion becomes the central theme; but there is no parallel to the later decades, in which religious material is used as an underlying theme extending across entire books.

Books 6-10 seem to occupy an intermediate position. For one thing, by contrast with Books 1-4, but like Book 5 and the later decades, the basic premise of the relationship between piety, divine aid and success is broadly sustained, with just occasional exceptions, such as 6.23. Moreover, at various points Livy does seem to be seeking to extend his religious material over large stretches of narrative, especially in the final book, which contains religious material consistently used to underline the central themes of class struggle and military success. On the other hand, we sometimes find religious material with relevance, it seems, only to the actual story in which it is found, and which cannot be linked with any other such material, as with the story of Marcus Curtius in Book 7.

Possibly Books 6-10 see Livy in transition with regard to his treatment of religious themes, feeling his way towards the position of the Third Decade. This idea receives a certain support from the fact that the more integrated

[111] It does in fact appear in Pliny, *H.N.* 14.91, but without any religious connotations: Pliny regards it as a demonstration of Papirius' abstemiousness.

use of religion appears to be concentrated in the later books of the pentad, whereas the earlier books have more of the piecemeal appearance of Books 1-4: this suggests something of a development in Livy's technique. Nevertheless, even in Book 6 religious material is employed in a considerably more extended fashion than it had been earlier, with the motifs of the end of the book being foreshadowed at its start; and on the issue of plebeian magistrates Livy seems to be extending a religious idea across virtually the entire pentad, with Appius' speech in Book 6 being picked up by Decius in Book 10. Nor is this simply a function of the scale of the books, which are still each covering on average twenty years.

All of this perhaps indicates that the centrality of religion in Book 5 has had an effect on Livy's writing, by showing him the possibilities of religion for foreshadowing and mirroring the rise of Rome and the importance of Roman morality over an extended section of his history. It may also be significant that substantial numbers of prodigy lists appear for the first time at the end of this pentad: their regularity provides a method by which religious ideas may be introduced and transformed so as to match the Romans' progress. As yet relatively little is done with them, but already in Livy's treatment of them around Sentinum we can see hints of what is to come.

CHAPTER EIGHT

CONCLUSION

In the course of this work I have sought to illustrate the intricacy and sophistication with which Livy handles his religious material. This conclusion may appear paradoxical, given that his starting point for much of his history — the relationship between piety, divine favour, and success — appears, at least to a modern reader, unacceptably simplistic. Yet on these basic foundations he builds a structure that is far more complex and intriguing. He binds together great portions of the history with a religious sub-text working consistently beneath the surface of what is ostensibly a largely secular narrative. Nor are the moral issues that are explored in this way themselves polarised into the black and the white. On the contrary, individual characters, such as Hannibal, Scipio, Marcellus or Torquatus, and indeed the whole Roman state and its various opponents, are at various times associated with both piety and impiety: religion often reinforces moral problems rather than offering simple solutions.

Sophistication appears also in other ways. Above all, the close correlation between belief and scepticism that is maintained through the history necessitates a reading of Livy's work that is far from straightforward. Neither the narrative nor the author's comments on that narrative can be taken entirely at face value, and the reader is forced to examine the past critically in the contradictory light of both. And the role of religion in the work does not remain constant throughout: each decade has a distinctive religious character that is not simply determined by its subject matter. The systematic secularisation of his material for much of the Fourth Decade, where, for example, the supernatural provides a sense of tradition rather than of divine involvement, demonstrates Livy's willingness to alter radically his normal treatment of the divine when the overall aims of his narrative make it appropriate to do so. Religion in Livy is not a single monolithic entity.

What, then, are the implications of this? For the student of Livy the most striking point must be the difference between the different parts of the work. All too often Livy's work is examined as if there were little or no change in his writing save that necessitated by a change in his subject matter. There is occasionally a nod in the direction of the Polybian character of the later

decades, or the more legendary stories of the first books; few people, however, have observed how drastic the differences are between the Third and the Fourth Decades, and virtually no one has seen the change between the Fourth and the Fifth. This renders suspect any general conclusions about Livy that are based on an examination of only one or two decades. The study of his methods of composition, for example, has been based almost entirely around a study of his treatment of Polybian material in the Fourth Decade — to a lesser extent the Fifth has been taken into account, but no one has ever made a systematic examination of whether his treatment of his material is the same here as it was earlier. In any case, one cannot validly extrapolate from the Fourth to the Third Decade, given the different character of the latter; still less can one apply these conclusions to the First Decade.[1]

More specifically, the problems of taking Livy's statements about his own ideas and aims at face value have been exposed. His expressions of scepticism, or his views on the decline of religion in his own day, are governed above all by their context. This suggests that other similar statements, such as his expression of his attitudes to his source material and his citations of variants, or his prefatory remarks at the start of various sections, should be interpreted similarly, and seen as connected with his desire for a particular point of view to be introduced in a certain context, rather than as a genuine statement of his intentions or opinions. I have given various examples in the course of my discussion of how one might interpret such statements; one should, at any rate, be extremely unwilling to take them at face value unless one has excluded the possibility that they are there largely to aid the narrative.

For the historian seeking to use Livy as a source for the period that he describes, the results are less striking: I have shown the alterations that he is making in his account, but in any case the dangers of accepting his narrative at face value have long been recognised. However, here too lessons may be learned. In particular, it has often been assumed that minor notices in Livy provide a reasonably accurate record of what appeared in his annalistic sources, and, depending on one's views on the extent of annalistic invention, offer some guidance as to the actual course of events. This view must now be subject to certain qualification. It is true that Livy is unlikely to be inventing such material outright, but I have shown that he is prepared to expand it, shorten it, change the order of events within it, alter its position within its year, and even occasionally place it in the wrong year altogether;

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[1] This last point is recognised by T.J. Luce, *Livy: The Composition of His History* (Princeton, 1977), 224-7, but he does not question the application of his conclusions to the Third Decade, nor does he look for differences between the Fourth and the Fifth.

any deductions made from it must take this into account. Likewise, if one seeks to examine Roman religion in the early or middle Republic in the context of political or military events, one should beware of drawing conclusions from significant juxtapositions between the latter and, say, reports of the supernatural or acts of piety. Or, more generally, the fact that religion is allotted a greater role in the narratives of the Third and Fifth Decades than it usually is in the Fourth should not be assumed to reflect the relative significance of religion in the political and military events of the respective periods. These features are as likely to be Livy's own creation in order to enhance his religious theme as to reflect historical reality.

But more interesting are the implications for the way in which we view Livy's own day. The relationship between Livy and Augustus or 'Augustanism' has been the subject of a large amount of discussion.[2] Only three times in his work does he refer to Augustus directly (1.19.3, 4.20.7, 28.12.12); attempts to find covert references to him elsewhere have been at best inconclusive.[3] Yet, even if the hypothesis is accepted that the first edition of the first pentad was pre-27 B.C., or even pre-Actium (cf. above, 1-2), the bulk of the surviving history will have been written during perhaps the first ten or fifteen years of the principate; hence it is contemporary with or later than much of the religious 'reconstruction' and moral legislation which provided a great deal of the ideological underpinning for the creation of the principate. The connection between this and Livy's extensive treatment of comparable themes throughout his history should therefore be examined.

The first point is an obvious one: Livy's consistent Romanness. All religious matters are seen solely from the standpoint of the Roman state cult. Where other cults are introduced, as for example with the Bacchanalia in Book 39, or the briefer accounts of foreign rites at 4.30 and 25.1, or the behaviour of the Samnite 'legio linteata' at 10.38, they are viewed only as alien and threatening to proper Roman religious practice. This is not, of course, particularly surprising in a Roman historian (though had Nigidius Figulus written a history it might have looked rather different); but, as can be seen above all from Livy's treatment of the Magna Mater (above, 70-1), with his rigorous exclusion of all alien elements he goes even beyond what

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[2] Recent examples include J. Deininger, "Livius und der Prinzipat", *Klio* 67 (1985), 265-72; A.J. Woodman, *Rhetoric in Classical Historiography: Four Studies* (London &c., 1988), 128-40; R. von Haehling, *Zeitbezüge des T. Livius in der ersten Dekade seines Geschichtswerkes* (Stuttgart, 1989), 184-219; T.J. Luce, "Livy, Augustus, and the Forum Augustum", in *Between Republic and Empire: Interpretations of Augustus and his Principate*, ed. K.A. Raaflaub and M. Toher (Berkeley &c., 1990), 123-38.

[3] E.g. von Haehling (1989), 184-219; the scepticism of P.G. Walsh, *Livy: His Historical Aims and Methods* (Cambridge, 1961), 15-18 still has force.

might be expected. Roman religion is for him a clearly defined field, and marginal practices are either shown as utterly alien or completely Romanised. There are obvious parallels with Augustus' claims to be restoring Roman religion: both involve an implicit delineation of the 'orthodox practices' of the past, and the reworking, downplaying or removal of those elements that might appear at odds with the constructed orthodoxy.[4]

More significant still is the next point: the way in which Livy centres his treatment of religion around clear moral premises. Correct behaviour is identified with the following of certain rules, both religious as narrowly defined, but also moral in a wider sense, such as appropriate behaviour in sexual and family matters, but above all in the political and military sphere with which the vast bulk of his narrative is concerned. This morality is then consistently linked with divine favour or disfavour and consequent success or failure for Rome. Of course, such ideas were common at Rome (above, 6-10), but, once again, we can see Livy taking them far further than ever before. It was possible to treat the supernatural differently, as, for example, his first book shows; but for most of the rest of his work this approach is the only one adopted. And he does not limit such analyses to individual episodes, but expands his single moral and religious theme across volumes and volumes of his work. He reworks much of Roman history along these lines, with explanations in terms of religious morality and divine support implicit throughout.

Once again, the Augustan parallels are clear. Augustus not only gave great emphasis to religious rites,[5] but also passed substantial moral legislation which was itself given religious overtones, as the guarantee of divine backing for Rome.[6] Moreover, while surviving accounts of these moral laws focus on his sexual and family legislation, they included also sumptuary and anti-corruption laws.[7] In the *Res Gestae* he stresses several times his morality in war, both in his support of the Roman state against a 'factio' and in his just treatment of foreign nations, and indeed he presented his successes here directly in religious terms.[8] All of these aspects appear as central to his presentation of his rule; in Livy similar moral principles are

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[4] Note in particular Augustus' action against Egyptian rites at Rome (Dio 53.2.4, 54.6.6). Cf. W. Eder, "Augustus and the Power of Tradition: The Augustan Principate as Binding Link between Republic and Empire", in *Between Republic and Empire: Interpretations of Augustus and his Principate*, ed. K.A. Raaflaub and M. Toher (Berkeley &c., 1990), 116-20.

[5] Cf. *Res Gestae* 19-21, 24; Suetonius, *Div. Aug.* 29-31. Cf. P. Zanker, *The Power of Images in the Age of Augustus*, tr. A. Shapiro (Ann Arbor, 1988), 85-9, 102-35 for the centrality of religion in Augustus' programme.

[6] E.g. Horace, *Carmen Saeculare* 17-24; see Liebeschuetz (1979), 90-100; Zanker (1988), 156-62.

[7] Suetonius, *Div. Aug.* 34; Dio 54.16.1, 55.5.3.

[8] *Res Gestae* 1-3, 26-7. Cf. Zanker (1988), 86-7, 183-92.

projected backwards in time to become the fundamental pillars upon which the Roman state's relationship to the divine rests. And indeed, as we have seen, Livy does not adopt this central position at the commencement of his history, but reaches it in the course of the early books, as other elements are increasingly excluded, and his account focusses more and more upon the single question of morality and divine favour. It is in parts of his history that we can be certain were written under Augustus that we see this approach to religion dominating.

Yet if in these respects religion in Livy may appear remarkably 'Augustan', others are more doubtful. Just as he rarely mentions Augustus by name, so likewise cults associated with the Emperor are rarely treated in such a way as to bring out the imperial connection. Here too the Magna Mater provides a good example (above, 70). Livy ignores altogether its connections with the supposed Trojan origins of Rome — a vital facet of imperial propaganda, given Augustus' own claims to Trojan ancestry. What he is failing to do may be seen from a comparison with Virgil, and above all with Ovid, where both the Trojan and the Augustan connection are explicit. Livy has utterly passed up the opportunity to imbue his account with contemporary resonances of this sort.

Moreover, as I pointed out above, Livy's handling of religion is complex, and not consistent. If the connection between religion, morality, and divinely ordained success is a dominant undercurrent for the Third, Fifth, and much of the First Decade, it is not so for most of the Fourth; there, although the value of religious morality is not questioned, it is given substantially less emphasis, and the connection with the supernatural is systematically downplayed or avoided. And the balance that he continually maintains between scepticism and belief in the supernatural may appear to sit uncomfortably with his 'Augustanism': if the affirmation of the connection between Roman morality and divine favour plays a significant role in the official ideology, how can Livy's continual explicit and implicit denial of such a connection fail to work against it?

How, then, should we assess the relationship between Livy's religion and Augustus? The most obvious answer is to see Livy as in some way subversive, undermining or at least implicitly criticising the ideology of the regime. That he is to a certain extent distanced from it is undeniable, given the surprising absence of direct and implicit references; however, to identify subversion or even mild criticism here is not altogether satisfactory. It is only in the Fourth Decade that we can see him substantially avoiding questions of religious morality and supernatural influence: elsewhere the connection is constant. I have argued that the unique character of the Fourth Decade is best explained in terms of the particular difficulties offered by his material in that period. It is, of course, interesting that he prefers to adopt

the solution that he does, rather than treating his material as he does elsewhere, but doing so imperfectly: we must still establish the implications of writing in this way against an ideological background that appears considerably different. But the very fact that no such question arises except in this one clearly defined section of his work tells against the idea that subversion or criticism of Augustus is at issue.

Similarly, the continual balancing of the supernatural with scepticism is strikingly different from what we can see of the officially sanctioned propaganda, but at the same time it is far from clear that it is subverting it. Sceptical statements are not privileged within the work (above, 26); Livy's careful construction of his narrative in order to demonstrate the very thing that his scepticism denies carries equal weight. True, sceptical statements are at least raising questions about the influence of the divine, although not providing a conclusive answer, and this could perhaps be taken as subversion or criticism; but even this is not certain. As I showed (above, 30), one effect of the inconsistent combination of both belief and scepticism is to offer both divine and human explanations as *simultaneously* valid interpretations of history; *both* are continually present. It is consequently hard to see the scepticism as undermining Augustan ideology — especially given that, even on the human level, the fundamental value still remains that religious morality common to both Livy and Augustus. That central feature is never undercut or diminished, except in the very early books, and when it is downplayed in the Fourth Decade, as discussed above — but in the Fourth Decade scepticism likewise ceases.

A different approach might be to see the priority with Livy, and the differences from Augustus as due to the changes made by the latter to the ideology of Roman history that Livy presents, including perhaps the ironing out of inconsistencies or undermining elements. However, even if one accepts a triumviral date for the first pentad, the chronology is against this. Much of Augustus' propaganda is in place in the early years of his reign, yet complicating 'un-Augustan' elements are found in the late books. This would not matter, were it the case that Livy's procedure remained constant throughout his work and we could argue that the appearance of 'un-Augustan' elements in the later books are simply due to his holding to a narrative method that he had established earlier. But Livy's procedure is not constant, and the most 'un-Augustan' section is the Fourth Decade, which must have been written well into the Emperor's reign.

However, all of the above argument has been based around an unstated premise that is highly questionable: the idea that 'Augustanism' is itself a single unchanging entity, whose limits were clearly defined from the start. That there were central elements to imperial propaganda, and that many of these were established early on, need not be doubted; at the same time,

Augustus' ideology did not spring fully formed from the head of Zeus. There is evidence that Augustus' self-presentation shifted in various ways;[9] to take a specifically religious example, Scheid has interpreted the reforms of the Arval Brethren in terms of the gradual development of the Emperor's presentation of himself and his rule.[10] Certainly the boundaries defining what formed an acceptable part of the official ideology can hardly have been firm.[11]

In short, therefore, Livy is not an 'anti-Augustan', or even 'un-Augustan'. His detachment from the detail of imperial religious propaganda must be recognised, and may even reflect reservations about aspects of what was officially sanctioned: we cannot tell. But when it comes to the moral and religious principles upon which that propaganda rested, no such reservations can be detected. Rather, basing himself on the same fundamental ideology — the reconstruction of a distinctively Roman religion centred around links between national morality and the divine — he explores and extends this in his own way. Often this coincides with Augustus' simultaneous ideological exploration of similar themes. Sometimes it does not; but even here we have no reason to regard Livy's treatment as falling beyond acceptable limits. The mere fact that Augustus *did* not himself at that time extend his ideology in that direction does not show that he *could* not have; and as long as this possibility was there, a writer who took a particular line was not challenging imperial propaganda, but was following it through in a different way. This applies not only to Livy, but also to other writers of the period, where scholars have often been over-ready to assume that substantial differences from the positions that can be argued to be officially sanctioned are tantamount to disagreement with those positions.[12] Indeed, in Livy even the Fourth Decade's general downplaying of religious questions can paradoxically be seen as an affirmation of their role. He removes them only

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[9] Cf. Z. Yavetz, "The *Res Gestae* and Augustus' Public Image", in *Caesar Augustus: Seven Aspects* ed. F. Millar and E. Segal, (Oxford, 1983), 1-36.

[10] J. Scheid, *Romulus et ses frères: le collège des Frères Arvales, modèle du culte public, dans la Rome des empereurs* (Rome, 1990), 677-746.

[11] For the lack of clear definition in Augustan ideology, and its implications for the study of literature, see D.C. Feeney, "*Si licet et fas est*: Ovid's *Fasti* and the Problem of Free Speech under the Principate", in *Roman Poetry and Propaganda in the Age of Augustus*, ed. A. Powell (Bristol, 1992), 1-25, esp. 1-9.

[12] Virgilian scholarship, for example, has frequently swung between claims for an 'Augustan' Virgil, the ideological position of whose work is fully consistent with the imperial line, and a more 'subversive' Virgil, with complicating elements that challenge that line. See the useful summary by S.J. Harrison, "Some Views of the *Aeneid* in the Twentieth Century", in *Oxford Readings in Vergil's Aeneid*, ed. S.J. Harrison (Oxford, 1990), 1-20; similar scholarly battles have been fought over, for example, Horace, Propertius and Ovid. But both sides in the debate have shared the fallacious assumption that *if* such complications occur, they are indeed subversive.

when the alternative is an imperfect and partial integration, which would have emphasised the divine without being able to give it the central determining place in Roman history that it has elsewhere in his work.

Nor should the question of genre be ignored here. Livy was an historian, and a history was not a coin, a statue or an inscription, but part of a long-established literary genre with interests and problems of its own. The difficulty of accommodating his disparate sources to one another in the Fourth Decade is one such problem, and his solution is distinctive. The acceptability of such approaches cannot be isolated from the limitations and expectations of the genre in which they are found. Similarly, his using the basic religious premises in order to explore complex moral issues does not challenge the use of the same premises in imperial propaganda (as I have repeatedly said, the fundamental principles are not questioned), but extends it in distinctively historical ways — for the dialectical treatment of contentious moral questions had formed a major part of historiography at least since Thucydides.

What then of the question of priority? Was Augustus following Livy, or Livy Augustus? It will be clear from what has been said that the question makes little sense. Augustus is of course setting much of the ideological agenda from Actium onwards; but he alone is not creating its boundaries.[13] Rather we should see him, Livy, and doubtless numerous others, exploiting different aspects of these religious themes and extending their limits in implicit dialogue with one another. This becomes especially clear when we recall that these premises that have been identified as 'Augustan' themselves have roots in the late Republic. Both Cicero in *De Legibus* and Varro in *Antiquitates Rerum Divinarum* had addressed themselves in different ways to the question of 'authentic Roman religious practice'; Horace, *Epodes* 7 and 16 had interpreted the whole of Roman history in terms of religious guilt. The repairing and building of temples had been a popular activity under the Second Triumvirate.[14] Much of the central religious ideology that is shared by Augustus and Livy is not created from nothing, but is rather a distillation or a focussing of previously existing ideas. Those ideas were common currency for numerous individuals; it is to be expected that their 'Augustan' manifestation, although determined in many respects from the centre, should have its boundaries formed by the explorations of many who inherited the ideas. For the historian of Augustus and Roman religion, the ultimate lesson to be learned from religion in Livy is the breadth of those boundaries, and the complexity permitted within them.

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[13] For this picture cf. Zanker (1988), 101-2; also Feeney (1992), although he is readier than I would be to see such literary explorations as actually or potentially controversial.

[14] Zanker (1988), 65-9.

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